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इस भाग में भिन्न छूट संस्था वी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—संख्या 3—उप-संख्या (ii)

PART II—Section 3—Sub-section (ii)

गृह मंत्रालय

नई दिल्ली, 3 जुलाई, 1982

का०आ० 2492—भारत सरकार के गृह मंत्रालय की अधिसूचना सं०का०आ० 72 (अ), तारीख 11 फरवरी, 1982 द्वारा, भारत सरकार के गृह मंत्रालय की अधिसूचना सं०का०आ० 26 (अ), तारीख 20 जनवरी, 1982 में अन्तर्विषयक विषय पर न्याय निर्णयन करने के लिए गठित 'विधि विद्वद् क्रियाकलाप (निवारण) अधिकरण' ने, जिसमें गोहाटी उच्च न्यायालय के न्यायाधीश, श्री न्यायमूर्ति बी०एल० हंसारिया थे, अपना कार्य पूरा कर लिया है;

और केन्द्रीय सरकार की यह राय है कि उक्त अधिकरण का बना रहना आवश्यक नहीं है;

अतः, अब केन्द्रीय सरकार, विधि विद्वद् क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए यह निर्देश देती है कि पूर्वोक्त अधिकरण, इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से अस्तित्व में नहीं रह जाएगा।

[सं. 13/7/81—न०ई० 1]

MINISTRY OF HOME AFFAIRS

New Delhi, the 3rd July, 1982

S.O. 2492.—Whereas the "Unlawful Activities (Prevention) Tribunal" consisting of Shri Justice B. L. Hansaria, Judge of the Gauhati High Court, constituted by the notification

of the Government of India in the Ministry of Home Affairs No. S.O. 72(E), dated the 11th February, 1982, to adjudicate upon the matter contained in the notification of the Government of India in the Ministry of Home Affairs No. S.O. 26(E), dated the 20th January, 1982 has completed its work;

And whereas the Central Government is of opinion that the continued existence of the said Tribunal is unnecessary;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 5 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby directs that the aforesaid Tribunal shall cease to exist with effect from the date of publication of this notification in the Official Gazette.

[No. 13/7/81-NE. II]

का०आ० 2493—केन्द्रीय सरकार, विधि विद्वद् क्रियाकलाप (निवारण) अधिनियम, 1967 (1967 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, भारत सरकार के गृह मंत्रालय की अधिसूचना सं०का०आ० 26(अ.), तारीख 20 जनवरी, 1982 (जिसे इसके प्रभावत उक्त अधिसूचना कहा गया है) द्वारा 'मिजो नेशनल फंड' और उसके द्वारा स्थापित अन्य तिकायों को, जिनके अन्तर्गत स्थानकार्यालय मिजो नेशनल आर्मी है, विधि विद्वद् संगम घोषित किया था;

श्री केन्द्रीय सरकार ने, उक्त अधिनियम की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, 11 फरवरी, 1982 को, "विधि विद्वद् क्रियाकलाप (निवारण) अधिकरण" गठित किया था जिसमें गोहाटी उच्च न्यायालय के न्यायाधीश श्री न्यायमूर्ति बी०एल० हंसारिया है"

प्रौर, केन्द्रीय सरकार ने उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, 17 फरवरी, 1982 को उक्त अधिसूचना उक्त अधिकरण को, यह न्याय तिर्णयन करने के प्रयोगन के लिए कि उक्त संगम को विधिविलम्ब घोषित करने के लिए पर्याप्त कारण थे या नहीं निर्देशित की थी।

प्रौर उक्त अधिकरण ने, उक्त अधिनियम की धारा 4 की उपधारा (3) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए, 27 मई, 1982 को एक निर्देशित किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 4 की उपधारा (4) के अनुसार, उक्त अधिकरण का उक्त अधिकरण करती है, प्रथात्:—

आदेश

S.O. 2493.—Whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), declared on the 20th January, 1982, the "Mizo National Front and the other bodies set up by it, including the so-called Mizo National Army" to be unlawful association vide notification of the Government of India in the Ministry of Home Affairs No. S.O. 26(E), dated the 20th January, 1982 (hereinafter referred to as the said notification) :

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 5 of the said Act, constituted on the 11th February, 1982, the "Unlawful Activities (Prevention) Tribunal" consisting of Shri Justice B. L. Hansaria, Judge of the Gauhati High Court;

And whereas the Central Government, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, referred the said notification to the said Tribunal on the 17th February, 1982 for the purpose of adjudicating whether or not there was sufficient cause for declaring the said association unlawful ;

And whereas the said Tribunal, in exercise of the powers conferred by sub-section (3) of section 4 of the said Act, made an order on the 27th May, 1982;

Now, therefore, in pursuance of sub-section (4) of section 4 of the said Act, the Central Government hereby publishes the said Order of the said Tribunal, namely,

ORDER

"THE UNLAWFUL ACTIVITIES (PREVENTION) TRIBUNAL

Reference under Section 4 of the Unlawful Activities (Prevention) Act, 1967

In re : Mizo National Front and others

PRESENT :

Hon'ble Mr. Justice B.L. Hansaria Judge
Gauhati High Court

For the Central Government and Government of Mizoram—Shri A. R. Barthakur, Senior Advocate and Shri P. Barthakur, Advocate.

For the Mizo National Front—None.

Date of hearings : 20-5-1982 to 22-5-1982 and 24-5-1982.

Date of Order : 27-5-82

ORDER

Mizoram—the land (RAM) of ZO-man (MI), lies at the southern-most tip of North-east India with an area of 8,143 sq. miles (21,087 Sq. Kms.) and a population of about 5 lakhs.

This territory is basically hilly and consists of six parallel mountain ranges running north to south enclosing between them five deep river valleys. There are less than 25 persons per sq. km. 86 per cent of its population is Christian. The percentage of literacy is one of the highest in India. It is flanked on two sides—each and west, by two foreign countries—Burma and Bangladesh. This part of the country has been in the throes of trouble ever since 1966 when on the night of February 28-March 1, the Mizo National Front (MNF) declared Independence and attempted to take over administration of the then Mizo Hills District. Among other actions taken to deal with the problem was the declaration of the MNF as an unlawful association under the provisions of the Unlawful Activities (Prevention) Act, 1967, (hereinafter the "Act") with effect from January 16, 1968. The declaration was duly confirmed under Section 4(3) of the Act by the Tribunal constituted with Hon'ble Mr. Justice Goswami. According to the Central Government the insurgency was contained by the end of 1968 because of the operations launched by the security forces. But then there was rise of activities in 1972 and this led the Central Government to again declare the MNF as an unlawful association under the Act. It may be stated that such a declaration on being confirmed by the Tribunal visualised by the Act remains in force for a period of 2 years. The Tribunal consisting of Hon'ble Mr. Justice Sen confirmed this declaration as well. The violent activities were, however, not to see their end and a new plan was drawn-up by the MNF which included selective assassination of MIAs, issue of "Quit Mizoram" notices and selected attack on a number of targets. In pursuance to the plan widespread violence came. To deal with the matter the MNF was again declared as unlawful in July, 1979. On a reference being made under Section 4(1) of the Act, the Tribunal presided by Hon'ble Mr. Justice Singh confirmed the declaration. Some efforts to solve the problem at political level were made but the breakdown of talks saw the declaration with which this Tribunal is concerned. This declaration was made keeping in view the fact that the MNF was virtually running a parallel government, extorting money from Government servants and businessmen, intimidating government employees including members of Judiciary, was in collaboration with foreign powers and was indulging in violent activities. It is also the case of the Central Government that to help MNF in achieving its main objective of independent Mizoram, Mizo National Army (MNA) was formed. Under the scheme of the Act, the Central Government is empowered to declare any association as unlawful which declaration ceases to be effective unless confirmed by the Tribunal to which the matter is referred to be referred under Section 4(1), the Tribunal has to decide whether or not there is sufficient cause for declaring the association as unlawful, and, thereafter, it either confirms the declaration or cancels the same.

At this stage it would be apposite to read the Notification in question dated 20-1-1982;

"S.O. 26(E)—Whereas the Mizo National Front (hereinafter referred to as the Front)—

- (i) which had openly declared as its objective the formation of an independent Mizoram comprising of the Union Territory of Mizoram and the adjacent Mizo or Kuki inhabited areas of Assam, Manipur and Tripura has been continuing its activities to achieve the said objective and bring about secession of the said areas from the Union of India;
- (ii) has been employing an armed force, namely, the so called Mizo National Army, and the other bodies, set up by it, to achieve its aforesaid objective;
- (iii) has, in furtherance of the aforesaid objective been employing the members of the said armed forces and other persons in attacking the Security Forces, the Government and the citizens of the Union territory of Mizoram and indulging in acts of looting and intimidating against the civilian population and in recruitment of persons and collection of funds for its organisation;
- (iv) has to achieve its aforesaid objective, established contacts with, and secured assistance from foreign countries through its organisation and armed force for the so-called Mizo National Army;

And whereas the Central Government is of opinion that for the reasons aforesaid, the Front and other bodies set up by it, including its armed force, namely the so-called Mizo National Army, are unlawful associations;

And whereas the Central Government is further of the opinion that because of the repeated acts of violence and attacks by armed groups of the so-called Mizo National Army on the Security Forces and on the civilian population. It is necessary to declare the Front and its other bodies, including the so-called Mizo National Army, to be unlawful with immediate effect;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Unlawful Activities (Prevention) Act, 1967 (37 of 1967), the Central Government hereby declares the "Mizo National Front and the other bodies set up by it, including the so-called Mizo National Army" to be unlawful association, and directs, in exercise of the powers conferred by the proviso to sub-section (3) of that section that this notification shall, subject to any order that may be made under section 4 of the said Act, have effect from the date of its publication in the Official Gazette.

[F. No. 13/7/81-NE. 1]
I. P. GUPTA, Jt. Secy."

After receipt of this Notification steps were taken to serve notices on the MNF and other allied bodies including MNA. The notices on these associations were served as required by the Act and the Rules framed thereunder. No appearance was, however, made by anybody on behalf of the concerned associations. The enquiry had, therefore, to proceed ex parte.

Despite the non-appearance by anybody for the MNF, I have deemed it fit to apprise myself with its case as far as I have been able to gather the same from the papers made available to me. The booklet "MIZORAM MARCHES TOWARDS FREEDOM" by Pu-Laldenga, the President of MNF, and the book captioned "FOUNDATION OF MIZORAM INDEPENDENCE" by Pu Zoramthanga, Vice President of the MNF do acquaint us with the thinking of the top echelon of the party. It seems one of the planks on which the demand of independence was built lies in the fact that the Mizos are predominantly Christians and the readers of the MNF have a feeling that their religion is not safe in India which Pu. Laldenga would like to call "Hindustan, home of the Hindus." According to him there is no room for any other, specially for those of different racial groups. He has described a Mizo as "a lonely Christian in vast sea of fanatic Hindus". One of the objects of formation of MNF in 1961 is to "safeguard and promote Christianity", according to Laldenga. Zoramthanga has described one of the arms and objectives of MNF as preservation of Christian religion. According to him, it is difficult to preserve this religion at the hands of non-Christians. In this connection, a reference has been made to the Freedom of Religion Act, 1978, obviously to the Arunachal statute of this name. Even secularism has not been regarded sufficient as that leads to suppression of Christianity according to the "Declaration of Independence" (Ext. 1). Added to this is the fact that the Mizos come from Mongolian stock. According to Laldenga Mizos are being mocked because of race and religion.

There can be no doubt that preservation of one's race and religion is very dear to one's heart. But, India would be much less of itself if it were not to be a mosaic of different hues and colours. For it secularism is not a mere catchword; it has rather been one of the founding pillars of unity among diversity. People of different faiths and religions have been given constitutional safeguards to protect and promote their own installations. The Arunachal Pradesh Freedom of Religion Act is meant to prohibit conversion of local people by inducement, threat, promise or any other unfair means. The Arunachalese have as much right of preservation of their traditional faith and culture as Mizos have in protecting their own race and religion. As to the Mongolian race it is enough to point out that Ahoms of Assam are also from Mongolian stock, and it can boldly be said that they have not faced any problem because of their racial origin.

Of course, if the fear of Mizos be that they would be swamped by non-Mizos, and that if they become a part of the body politic of India they would be lost, this apprehension has to be taken care of. It is perhaps this feeling which led Pu Zoramthanga to state in his aforesaid book that the war in Mizoram is "between Mizo Nationalism and Indian Nationalism" where Mizo people "with a distinct and separate identity, a small nationality with different language and culture" should preserve and protect themselves, otherwise they will be lost among other communities who are more in number. According to Pu Zoramthanga "we are lost Mizos and we are struggling to be free from the clutches of the VAIS (non-Mizos) out of fear of assimilation."

If I have understood correctly, it is this fear of assimilation which has led to the demand of "MIZORAM FOR THE MIZOS". (See Ext. 36). Such a demand is, however, not confined to the Mizos. At one point of time (about 1-2 decades earlier) people in North east had heard much about "Assam for Assamese" which slogan was responsible for the 1968 Republic Day carnage in Gauhati. The slogan "Maharashtra for Maharsahtrians" is also not unheard of. Indeed, if I remember correctly there is a demand of "Sweden for Swedes". I have mentioned these facts not in support of the demand of "Mizoram for Mizos". Really, such a move is unconstitutional, though not an "unlawful activity". But we cannot be oblivious of the stark realities especially while dealing with the problems of a backward tribe. To be candid there are parties and political persons in India who care more for their State's interest than for the national interest—the Indian Nationalism. In any case, any realistic approach must try to understand the apprehensions which are standing in the way of MNF's accepting the demand of full "Statehood" as their ultimate political objective. Ext. 27 has listed three objections—the pith and substance of which is fear of losing identity. It is for the concerned authorities to see how genuine fears can be taken care of by appropriate legal and constitutional safeguards, and how unjustified apprehensions may be allayed by convincing arguments. It is also a matter for consideration of the authorities if enforcement of Bengal Eastern Frontier Regulations, 1873, also known as "Inner Line Regulation" could be suitably invoked to take care of the fear of the assimilation by the non-Mizos. The Chin Hills Regulation, 1896 which was applied to the then Lushai Hills District by Order No. 784 dated 9.10.11 does take some care of injurious activity of a non-Mizo.

Another grievance of the MNF is at the division of the erstwhile Mizo inhabited territory in three units after the territory was conquered by the Britishers in 1889. According to Laldenga as the attack on the territory was under three distinct military commands, the conquered territory was divided into three units—the Northern Luhais (Mizoram was earlier known as the Lushai Hills), fell under the Commissioner of Assam; the Central Lushai under the Bengal Government, and the Chin Hills and some part of Arakan under the Chief Commissioner of Burma. As what had been included in Burma is being regarded as IRRENDENTA (un-redeemed land), the demand is that the territories which are included in Assam, Manipura and Tripura must be joined with Mizoram to form Greater Mizoram. This demand cannot be called secessionist which is the main allegation against the MNF and because of which it has been declared as unlawful. Whether this demand can be fulfilled or not, and if so to what extent by redefining State boundaries, is a matter to be decided at appropriate level in consultation with all concerned.

The gravamen of the allegation is the demand for independence. There can be no denial on the materials placed before this Tribunal that one of the objectives of the MNF is independence of Mizoram. The protagonists of this view have built up their case relying on the fact that Lushai Hills was sought to be excluded from the purview of the Government of India Act, 1975. Laldenga has referred in this connection to the observations of Sir Robert Reid (who was the Governor of Assam from 1937 to 1942) in his book on "History of the Frontier Areas bordering on Assam". No doubt, the Constitutional Act of 1935 was not made fully applicable to Lushai Hills, but it is well to remember that this does not mean that Lushai Hills was not treated as a part of British India. The fact that Lushai Hills was classed as "Excluded

Area" in terms of the Government of India (Excluded and Partially Excluded Areas) Order 1936 could not mean that it was not within the executive authority of the provincial Government of the then Assam. Reference to Section 92(1) of the Government of India Act, 1935 makes it absolutely clear as it states that the executive authority of a Province extends to excluded and partially excluded areas therein. The term "British India" as defined in Section 311(1) includes all territories for the time being comprising within the Governor's Prince. An area was treated as "Excluded" only for the purpose of mode of governing it—the same being administered by the Governor in his discretion. The MNF leaders seem to be under a misapprehension when they state that the then Lushai Hills was a part of the "Tribal areas" mentioned in the aforesaid Act. The expression "Tribal areas" in Section 311(1) was defined as "areas along with the frontier of India or in Baluchistan which are not parts of the British India....."

The power exercisable over these areas was described as arising out of treaty, grant, usage, sufferance or otherwise. This would show that the Lushai Hills could not have been a part of the "Tribal areas" as understood by the aforesaid Act. The non-acceptability of the Indian Constitution is also argued on the ground of lack of representation of Mizos in the Constituent Assembly in which two members from this area were only co-opted. This argument is not tenable as it was not a legal requirement that every district of a Province must have had its representative in the constitution making body. It may be mentioned in this connection that under the Government of India Act, 1935, the Assam Legislative Assembly had 9 reserved seats for representatives of backward areas and tribes.

I have gone into these aspects of the matter even in this ex parte enquiry for two reasons. First to satisfy my conscience so that there is no walk-over by the Government because of the non-appearance of the affected associations; and secondly, who knows if a study of the MNF case by a detached judicial mind may be some assistance in some way in seeing permanent end of hostilities which along can be the desideratum.

With this prologue we may turn to the issues in the present case which are as below :

- (i) Whether the Mizo National Front (hereinafter referred to as "the Front") has openly declared the formation of an independent Mizoram comprising the Union Territory of Mizoram and the adjoining areas of Assam, Manipur and Tripura inhabited by Mizos and Kukis as its objective and thereby to bring about secession of the said areas from the Union of India ?
- (ii) Whether in order to achieve the objective mentioned in issue No. (i) above, the Front has set up Mizo National Army and other bodies ?
- (iii) Whether in furtherance of its aforesaid objective, the Front has been indulging, by deploying the armed forces mentioned in issue No. (ii) above, in various illegal acts such as attacking the civil government and the civilian population in the Union Territory of Mizoram and the Security Forces, looting and intimidation of the civilian population, recruitment of persons and collection of funds for its organisations ?
- (iv) Whether the Front has, to achieve its objective mentioned in issue No. (i) above, established contacts with foreign countries and secured assistance through its organisation for the Mizo National Army ?
- (v) Whether the Government of India had sufficient cause in issuing the Notification No. S.O. 26(E) dated the 20th January, 1982 published in Gazette of India in its issue dated the 20th January, 1982 declaring the Front and the other bodies set up by it including the so-called Mizo National Army to be unlawful associations ? If so does the declaration deserve confirmation ? If not, is it liable to be cancelled ?"

In support of its case, the Central Government and the Government of Mizoram examined four witnesses and exhibited a number of documents which included two affidavits filed on behalf of the Union of India and the State of Mizoram, apart from a brief resume prepared by Shri I. P. Gupta, Jr. Secretary, Ministry of Home Affairs in charge of North-eastern

States and Union Territories. Witness No. 1, Shri S.P. Dewan had joined Mizoram Police in 1978 and was S. P. of Special Branch (CID) from 10-7-81 to 21-4-82. At present he is the Commandant of the 1st Battalion, Mizoram Armed Police. Much of what he has deposed is based on his information derived from the official records, though he has direct knowledge about some matters also. The witness to follow is Shri L.R.L. Sailo, Dy. Director, Information and Public Relations Dept. of Government of Mizoram. His evidence is direct on many points. He has done translation of many Mizo written documents also. Witness No. 3 is Shri L. R. Laskar, Under Secretary, Home Dept., Mizoram has mainly proved his affidavit filed on behalf of the Govt. of Mizoram. Last witness is aforesaid Shri I.P. Gupta. He has deposed about the background of issuing the Notification dt. 20-1-82 and has proved the affidavit filed on behalf of the Union of India. All these official witnesses have drawn heavily from official documents available to them. The main evidence in the case is thus documentary.

So far as issue No. 1 is concerned, Shri Barthakur has sought to place reliance upon Exhibits 1 to 5, 12, 13, 18, 19, 24, 25 and 36. Before examining these documents, it would be worthwhile to point out that as per Rule 3 of the Unlawful Activities (Prevention) Rules, 1968 this Tribunal has to follow, as far as practicable, the rules of evidence laid down in the Indian Evidence Act, 1872. The Evidence Act naturally requires the best evidence to be produced. In case of documentary evidence, it is apparent that best evidence would be by one who is the author of the document. If the same is not possible the testimony has to be by one who has direct knowledge about the matter as distinguished from heresay evidence. If this touchstone were to be applied, I am afraid some of the documents produced by the Government would not be strictly speaking admissible, and even if admitted would have no probative value. Let us take Ext. 1, which is said to be "Declaration of Independence". Now nobody has come forward to testify about this declaration being true to his personal knowledge and as such I have felt little hesitant in placing full reliance on this document in answering issue No. 1. As to the Constitution of Mizoram, which is also a part of Ext. 1, I would like to point out that it speaks of President and Vice President only for the State. There is no mention in this document about any Council of Ministers, whereas from other documents, it is clear that the so-called "Mizoram Sawrkar" has a Cabinet, as some of the documents issued by its Finance Minister have been brought on record. Ext. 2 also stands on the same footing. Ext. 3 is an innocuous document as it is the constitution of the MNF. Ext. 4, however, clearly speaks of the desire for freedom. The document exhibited under this number is the book by Lalenga styled as "MIZORAM MARCHES TOWARDS FREEDOM", which has clearly championed the cause of total independence of Mizoram for reasons already noted. Ext. 5 is only a rough map of "Greater Mizoram". Ext. 12 is Zoramthanga's book captioned "FOUNDATION OF MIZORAM INDEPENDENCE" which also preaches and champions the cause of independence. Ext. 13 is a gist of a speech of self-styled Lt. Col. Lalrawna. I am not fully satisfied about due proof of this speech. In this connection reference may be made to the decision of Hon'ble Shri Syed Murtaza Fazal Ali at present an Hon'ble Judge of the Supreme Court who was appointed as the Chairman of the Tribunal to go into the justification or otherwise of declaration of the All Jammu & Kashmir Plebiscite Front as an unlawful association under the Act. I would have occasion to refer to the decision at a later stage also. At the moment I would like to point out the procedure which was followed to prove a speech sought to be relied upon by the Government. Therein, the speeches were proved by the person who had noted down the same in shorthand and the tape-recording of the speech was also made available. In any case, Ext. 13 shows that the demand of independence had come down to "semi-independence". What the speaker wanted was a special State or a State with some more safeguards. Ext. 18 has no fangs in it as it is spoken of solution of the problem through dialogue. Ext. 19 is a defensive press release. As to Ext. 24, which is said to be an agreement between MNF and PREPAK, I am to state that I am not fully satisfied with the authenticity of the document. Nobody having a direct knowledge about the matter has come to testify about the same. Ext. 25 merely shows areas inhabited by Mizo and Kuki tribes in adjacent States and it proves nothing so far as secessionist activities are concerned. Finally, Ext. 36, which is a proceeding of the celebrations of the 19th anniversary of MNF has spoken more about "Mizoram for Mizos" rather than independence of Mizoram.

An overall view of the documentary evidence does not, however, leave much to doubt about the objective of the MNF in securing independence of Mizoram. This would squarely attract the definition of "unlawful activity" as defined in Section 2(t) of the Act. The secession of Mizoram from the Union of one of the hallmarks of the preaching of the MNF leaders. One aspect of the definition of "unlawful activity" which needs to be highlighted is that any action which is intended to bring about recession of a part of the territory of India from the Union attracts the mischief of the definition. It is not concerned with the justifiability or otherwise of the demand. This is taken care of by the words "on any ground whatsoever" finding place in clause (i) of Section 2(t). Hon'ble Justice Fazal Ali in his decision on the Plebiscite Front case has discussed this aspect and has pointed out that the justification or otherwise of the demand cannot be an exonerating factor in this regard. I am not to be understood to say that the demand of independence by MNF has any justification. Really, it is quite unjustified in my view as none of the reasons advanced by MNF leaders bear scrutiny in this regard as already pointed out. Issue No. 1 is, therefore, answered in affirmative.

On issue No. 2 Shri Barthakur has placed reliance on Ext. 11 in the main. On the strength of this document, it cannot be held that the MNF has set up the Mizo National Army (MNA). I have said so because this exhibit contains some cut and dried facts which have not been proved by any person who can really depose about them. The Resume (Ext. 42) and the two affidavits (Ext. 41 and 43) do not advance the matter much in this regard because the same have also not emanated from persons having first-hand knowledge about the matter. Shri Barthakur has referred to Section 5(6)(c) of the Act in this connection which permits reception of evidence on affidavits. But then the affidavits have to be by persons whose evidence on the fact in issue could cut ice in a judicial arena. Despite this legal position of these exhibits, the existence of MNA cannot be doubted on the face of other documents on record, some of which are on the printed letter heads of Mizo National Army and some of which have been signed by the Commander, MNA of different areas. I would refer to these documents while discussing issue No. 3. This issue is also, therefore, answered in the affirmative.

Coming to the issue No. 3, reliance has been placed on a large number of documents—these being Exts. 6, 14, 15, 16A-E, 17A-D 20, 21A-C, 22A and B, 23, 26 to 34, 35 A to G, 37 to 39 and 40 A and B. Many of these documents have been proved to be either in the hand-writing or under the signatures of the officers of MNF or MNA. This has been done by witness No. 2, Shri Sailo. Ext. 6 is "Quit Mizoram" notice to non-Mizos dated 1-6-1979. It has been clarified in Ext. 14 that the non-Mizos who were excluded from purview referred to in Ext. 6 were those who came from Mongolian origin like Naga, Meitei, Khasi, Mikir, Garo, etc. Ext. 15 is a confiscation order issued by Zoramthanga. Though these documents have not been strictly proved as required by the Evidence Act, Ext. 16 series which have been addressed by the "Publicity Minister Mizoram" to various Presidents of Village Councils asking for donations were so done by Shri Sailo. He has identified even the signatures of the persons issuing the same. Ext. 17 series has emanated from the Finance Minister, Mizoram of the so-called Mizoram Sawrkar and Jt. Secretary, Finance Ministry regarding collection of money for Mizo Liberation Funds. These have been duly proved. Ext. 21 also inspires some confidence because the Addl. District Magistrate whose signatures were verified sent the same to the Lt. Governor. By this exhibit the Commander, Town MNA desired the Addl. District Magistrate not to realise fine money from bailors and sureties. Some letters issued to the editors of certain newspapers were also duly proved, so too letters demanding payment of funds from some contractors and government officers. Ext. 22A, a stay order passed by MNA Commander, Aizawl Town. Duty also merits acceptance as a copy of the same was sent by Lt Governor of the territory to the Addl. Secretary, Home. Ext. 27 is an appeal by Major Lalhnema to the people for renewal of struggle for independence. The signature on the document is verified by Shri Sailo. Ext. 28 is a letter from Major Malsawma bearing seal of MNA. Ext. 29 is on the letter head of Mizo National Army. Ext. 30 is a printed letter of authority by the Finance Minister and Secretary, Finance Ministry of the so-called Mizoram Sawrkar. Signatures appearing therein have been duly testified by Shri Sailo. Ext. 31 is a receipt book for collection of funds. Ext. 33 is a letter issued by the Town Commander to Dy.

Commissioner, Saiha demanding Rs. 8,000 and 2 per cent of the pay from his staff Ext. 34 is from the Commander "L" Battalion which was duly proved by Shri Sailo. Ext. 35 series are some of the licence forms of the so-called Mizoram Sawrkar bearing its seal. Ext. 36 has been prepared by the Programme Director whose signature is known to witness No. 2. It may be stated that Shri Sailo could depose about so many signatures of an underground government or association because according to him, documents bearing their signatures are in mass circulation in Mizoram. Ext. 37 is yet another document demanding Rs. 500 as tax and was issued on the letter head of MNA. Ext. 39 is from Zoramthanga, the Vice President of MNF whose signatures in the document has been duly proved. By this document the Town Commander of Aizawl was required to collect a sum of Rs. 1 lakh for MNA. Lastly Exts. 40 A and B are letters of authority under the signatures of Finance Minister and Jt. Secretary, Finance Ministry of the so-called Mizoram Sawrkar also known as Government of Mizoram with its seal.

Thus, there is plethora of evidence regarding issue No. 3. The evidence is credible and has come from persons having intimate or direct knowledge. I have, therefore, no hesitation in accepting the same. While doing so, I answer the issue No. 3 in affirmative.

On issue No. 4 reliance has been placed only on Ext. 7 and Ext. 8 which give details of financial assistance provided by China to "DEMOKHOEIK'S Gang" and contains details of arms and ammunition brought by this group from China. The source of these exhibits is not disclosed to me, the maker of the documents is not before me. A statement prepared by somebody passed on to somebody and filed by a third person even from official records cannot fulfil the requirements of the Evidence Act laying down the mode of proof of a fact. So on the basis of these two documents I am not in a position to say that the MNF had established contacts with foreign countries and secured assistance from them. Issue No. 4, is, therefore, answered in negative.

However, as issues 1 and 2 and 3 have been answered in affirmative, I hold that there was and is sufficient cause for declaring the MNF and other bodies set up by it including MNA as unlawful associations and I, therefore, confirm the declaration.

I part with the hope that the present would be the last occasion of doing this exercise and here would be a political solution of the problem soon. It is this cherished desire which had led me to go into the causes of unrest in my humble way and to make my observations at appropriate places to see that a peaceful Mizoram finds its rightful place in the body politic of this great country.

B. L. HANSARIA, Presiding Officer

I. P. GUPTA, Jt. Secy. (NE)

विषय संक्षेप

(राजस्व विभाग)

नई दिल्ली, 19 अप्रैल, 1982

आदेश

प्राप्ति 2494—सर्वसाधारण की जानकारी के लिए अधिसूचित किया जाता है कि विद्वित प्राधिकारी, प्रथम भारतीय प्रायुक्तिकान अनुसंधान परिषद्, नई दिल्ली ने निम्नलिखित संस्था को आयोजक नियम, 1962 के नियम 6(ii) के माध्यम से विद्वित प्रायुक्ति प्रधिनियम, 1961 की धारा 35 की उपधारा (1) के व्यवहार (ii) के प्रयोजनों के लिए विकित्सा अनुसंधान के धरान में "वैज्ञानिक अनुसंधान संगम" प्रबन्ध के प्रधीन नियम-लिखित गतीय पर अनुमोदित किया है, प्रथम—

(1) पहले कि अनुसंधान विकित्सा अनुसंधान के लिए प्राप्त राशियों का पृष्ठक सेवा एवं

(2) यह कि अस्पताल अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों का वार्षिक विवरणी परिपेक्ष को प्रति वर्ष 31 मई तक ऐसे प्रैस्य में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकारी किया जाए और उसे सूचित किया जाए ।

(3) यह कि अस्पताल लेखाओं आस्तियों, और उत्तराधिकार के वार्षिक संपरीक्षित विवरण की एक प्रति परिपेक्ष को प्रति वर्ष 31 मई तक भेजेगा और इसके अतिरिक्त इसकी एक प्रति सम्बद्ध आयकर आयुक्त को भेजेगा ।

संस्था

एन०एम० चैरीटेबल हॉस्पिटल, सोलापुर (महाराष्ट्र) यह अधिसूचना 15-3-82 से 24-3-85 तक तीन वर्ष की अवधि के लिए प्रभावी होगी ।

[सं० 4581 /फा०सं० 203/71/82 आई टी ए(II)]

MINISTRY OF FINANCE

(Department of Finance)

New Delhi, the 19th April, 1982

INCOME TAX

S.O. 2494.—It is hereby notified for general information that the institution mentioned below has been approved by Indian Council of Medical Research, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961 read with Rule 6 (ii) of the Income-tax Rules, 1962 under the category of "scientific research association" in the field of Medical Research subject to the following conditions :—

- That the Hospital will maintain a separate account of the sums received by it for medical research.
- That the Hospital will furnish annual returns of its scientific research activities to the Council by 31st May each year at the latest in such form as may be laid down and intimated to them for this purpose.
- That the Hospital will furnish a copy of annual audited statement of accounts, assets and liabilities to the Council by 31st May each year and in addition send a copy of it to the concerned Income-tax Commissioner.

INSTITUTION

N. M. Wadia Charitable Hospital, Solapur (Maharashtra). The notification is effective for a period of three years w.e.f. 25-3-82 to 24-3-85.

[No. 4581/F. No. 203/71/82-ITA. II]

नई विली, 27 मार्च, 1982

का०आ० 2495.—इस विभाग की अधिसूचना सं० 2737 (फा०सं० 203/157-78 आई टी ए-II तारीख 28-2-79 के अनुक्रम में सर्वानादारण की जानकारी के लिए अधिसूचित किया जाता है कि विहित प्राधिकारी, अर्थात् विज्ञान और प्रौद्योगिकी विभाग, नई विली ने निम्नलिखित संस्था को आयकर नियम, 1962 के नियम 6 के माध्य पठित आयकर अधिनियम, 1961 की धारा 35 की उपशारा (1) के खण्ड (ii) के प्रयोजनों के लिए प्राकृतिक और आमप्रयोगिक विज्ञान के क्षेत्र में संगम" प्रबन्ध के अधीन निम्नलिखित घटी पर अनुमोदित किया है, अर्थात् :—

- यह कि नेशनल सेंटर कार पर्कोरमिंग आर्ट्स मुम्बई हृषि/पशुपालन/मास्टिस्टी और शौप्रथि से भिन्न प्राकृतिक और आनु-प्रयोगिक विज्ञान के क्षेत्र में वैज्ञानिक अनुसंधान के लिए प्राप्त राशियों का हिताब पृथक रखेगा ।

(2) उक्त संस्थान प्रयेक विसीय वर्ष के लिए अपने वैज्ञानिक अनुसंधान संबंधी क्रियाकलापों की वार्षिक विवरणी विहित प्राधिकारी को प्रति वर्ष 30 मार्च तक ऐसे प्रैस्य में प्रस्तुत करेगा जो इस प्रयोजन के लिए अधिकारी किया जाए और उसे सूचित किया जाए ।

(3) उक्त संस्थान प्रयेक वर्ष के लिए लेखाओं का वार्षिक संपरीक्षित विवरण अपनी कुल आय और व्यय को दर्शित करते हुए और तुलनपत्र में अपनी आस्तियों और दावितों को वर्णित करते हुए विहित प्राधिकारी को प्रति वर्ष 30 जून तक भेजा और साथ ही मरी दसावेंजों की एक-एक प्रति सम्बद्ध आयकर आयुक्त को भेजेगा ।

संस्था

नेशनल सेंटर कार पर्कोरमिंग आर्ट्स मुम्बई ।

यह अधिसूचना 1-4-81 से 31-3-84 तक तीन वर्ष की अवधि के लिए प्रभावी है ।

[सं० 4590/फा सं० 203/242/80 आई टी ए II]

एम० जी० सी० गोयल, अवर सचिव

New Delhi, the 27th April, 1982

INCOME TAX

S.O. 2495.—In continuation of this office Notification No. 2737 (F. No. 203/157-78-ITA. II) dated 28-2-79, it is hereby notified for general information that the institution mentioned below has been approved by Department of Science & Technology, New Delhi, the prescribed authority for the purposes of clause (ii) of sub-section (1) of Section 35 of the Income-tax Act, 1961, read with Rule 6 of the Income-tax Rules, 1962 under the category "Association" in the area of other natural and applied sciences subject to the following conditions :—

- That the National Centre for Performing Arts, Bombay will maintain a separate account of the sums received by it for scientific research in the field of natural and applied sciences other than Agriculture/Animal husbandry/Fisherles and Medicines.
- That the said Institution will furnish annual returns of its scientific research activities to the Prescribed Authority for every financial year in such forms as may be laid down and intimated to them for this purpose by 30th April each year.
- That the said Institution will submit to the Prescribed Authority by 30th June each year a copy of their audited annual accounts showing their total income and expenditure and balance sheets showing its assets liabilities with a copy of each of these documents to the concerned Commissioner of Income-tax..

INSTITUTION

National Centre for Performing Arts, Bombay. This notification is effective for a period of three years from 1-4-81 to 31-3-1984.

[4590/F. No. 203/242/80-ITA. II]

M. G. C. GOYAL, Under Secy.

केन्द्रीय उत्पाद शुल्क और सीमा शुल्क बोर्ड

नई दिल्ली, 17 जूलाई, 1982

सं. 179/82-सीमाशुल्क

का. आ. 2496 :—केन्द्रीय उत्पाद शुल्क और सीमाशुल्क बोर्ड, सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा राज्य के मोहिन्दर गढ़ जिले में घरहेरा को भाण्डागारण स्टेशन के रूप में घोषित करता है।

[फा. सं. 473/65/82-सीमाशुल्क-7]

CENTRAL BOARD OF EXCISE AND CUSTOMS

New Delhi, the 17th July, 1982

No. 179/82-CUSTOMS

S.O. 2496.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Dharuhera in Mohindergarh District in the State of Haryana to be a warehousing station.

[F. No. 473/65/82-CUS. VII]

सं. 180/82-सीमाशुल्क

का. आ. 2497 :—केन्द्रीय उत्पाद शुल्क और सीमाशुल्क बोर्ड, सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कर्नाटक राज्य के बंगलौर जिले के बंकियां बंगलौर तालुक हांगसांद गांव को भाण्डागारण केन्द्र के रूप में घोषित करता है।

[फा. सं. 473/89/82-सी. शु. -7]

No. 180/82-CUSTOMS

S.O. 2497.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares village Hongasandra, Bangalore South Taluk, of Bangalore District in the State of Karnataka, to be a warehousing station.

[F. No. 473/89/82-CUS.VII]

सं. 181/82-सीमाशुल्क

का. आ. 2498.—केन्द्रीय उत्पाद शुल्क और सीमाशुल्क बोर्ड, सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा राज्य के गुर्गांग जिले में हुंडाहेड़ा औद्योगिक क्षेत्र को भाण्डागारण केन्द्र के रूप में घोषित करता है।

[फा. सं. 473/90/82-सीमाशुल्क-7]

No. 181/82-CUSTOMS

S.O. 2498.—In exercise of the powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Dundahera Industrial Complex, District Gurgaon in the State of Haryana, to be a warehousing station.

[F. No. 473/90/82-CUS. VII]

सं. 182/सीमाशुल्क

का. आ. 2499 :—केन्द्रीय उत्पाद शुल्क और सीमाशुल्क बोर्ड, सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, गोवा, दमन और दीव संघ राज्यकोष में मापुसा के पास विविध औद्योगिक क्षेत्र को भाण्डागारण केन्द्र घोषित करता है।

[फा. सं. 473/58/82-सी. शु. -7]

आनन्द छावड़ा, मर्जिय

No. 182/82-CUSTOMS

S.O. 2499.—In exercise of powers conferred by section 9 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise and Customs hereby declares Thivim Industrial Estate near Mapusa in the Union Territory of Goa, Daman and Diu, to be a warehousing station.

[F. No. 473/58/82-CUS. VII]

A. K. CHHABRA, Secy.

(अधिकारी कार्य क्रियांग)

नई दिल्ली, 19 जून, 1982

का. आ. 2500.—सरकारी स्थान (प्रप्राधिकृत प्रतिमोशियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों आ प्रयोग करते हुए और निर्माण एवं आवास मंत्रालय में भारत सरकार के कांग्रेस संघीय 2306 विनायक 9 जूलाई, 1965 का अधिकारण करते हुए, केन्द्रीय सरकार इस प्रविश्वना द्वारा निम्नलिखित मारणी के कालम 1 में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी हैं, उक्त अधिनियम के प्रयोजनार्थी संपदा अधिकारी नियुक्त करती हैं, जो उक्त मारणी के कालम 2 में तदनुरूप प्रविश्वियों में विविदिष्ट सरकारी स्थानों के संबंध में अपने अपने शोधाधिकार की स्थानीय सीमाओं के भीतर रहते हुए, संदर्भ अधिकारियों को उक्त अधिनियम द्वारा प्रदत्त शक्तियों का प्रयोग करेंगे और इनके अवीन अंतरिक्ष करतीयों का पालन करेंगे :

संक्षिप्त नाम	सरकारी स्थानों के प्रवर्ती और क्षेत्राधिकार की स्थानीय सीमा
1	मामान्य प्रबंधक, भारत सरकार टकसाल, बंबई के नियन्त्रणाधीन स्थान।
2	महाप्रबंधक, भारत सरकार टकसाल, मली-पुर, कलकत्ता के नियन्त्रणाधीन स्थान, जिसमें भारत सरकार, मिल्डर रिफाइनरी, स्ट्रेंड रोड, कलकत्ता के स्थान शामिल हैं।
3	महाप्रबंधक, भारत सरकार टकसाल, हैदराबाद के नियन्त्रणाधीन स्थान।

[सं. एफ. 2/16/81-कार्य]

सी. जी. पररोज, प्रबंध भवन

(Department of Economic Affairs)
New Delhi, the 19th June, 1982

S.O. 2500—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of the notification of Government of India in the Ministry of Works and Housing No. S.O. 2306 dated the 9th July, 1965, the Central Government hereby appoints the officers mentioned in column 1 of the Table below, being gazetted officers of Government, to be Estate Officers for the purposes of the said Act who shall exercise the powers conferred, and perform the duties imposed, on Estate Officers by or under the said Act within the local limits of their respective jurisdiction in respect of the public premises specified in the corresponding entries in column 2 of the said Table :

TABLE

Designation of Officers	Categories of public premises and local limits of jurisdiction
1. Administrative Officer, India Government Mint, Bombay	Premises under the control of General Manager, India Government Mint, Bombay.
2. Administrative Officer, India Government Mint, Alipore, Calcutta	Premises under the control of the General Manager, India Government Mint, Alipore, Calcutta inclusive of premises of the India Government Silver Refinery, Strand Road, Calcutta.
3. Administrative Officer, India Government Mint, Hyderabad	Premises under the control of General Manager, India Government Mint, Hyderabad.

[No. F. 2/16/81-Coin]

C. G. PATHROSE, Under Secy.

(Banking Division)

नई दिल्ली, 18 जून, 1982

का० आ० 2501—प्रादेशिक ग्रामीण बैंक प्रधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री सी०आर० नरसिंह मूर्ति को कानूनी ग्रामीण बैंक, मैसूर का अध्यक्ष नियुक्त करती है तथा 1-7-82 से प्रारम्भ होकर 30-6-1985 को समाप्त होने वाली प्रबंधि को उस प्रबंधि के रूप में निर्वाचित करती है जिसके दौरान श्री सी०आर० नरसिंह मूर्ति अध्यक्ष के रूप में कार्य करेंगे।

[मं० एफ० 2-28/82-प्रा०आ०वी०]

(Banking Division)

New Delhi, the 18th June, 1982

S.O. 2501—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri C. R. Narsimha Murthy as the Chairman of the Cauvery Grameena Bank, Mysore and specifies the period commencing on the 1-7-1982 and ending with the 30-6-1985 as the period for which the said Shri C. R. Narsimha Murthy shall hold office as such Chairman.

[No. F. 2-28/82-RRB]

नई दिल्ली, 19 जून, 1982

का०आ० 2502—प्रादेशिक ग्रामीण बैंक प्रधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री एम०एल० पगारिया को मध्यर जेवीय ग्रामीण बैंक, चुरु का अध्यक्ष नियुक्त करती है तथा 1-4-82 से प्रारम्भ होकर 26-5-1982 को समाप्त होने वाली प्रबंधि को उस प्रबंधि के रूप में निर्वाचित करती है जिसके दौरान श्री एम०एल० पगारिया अध्यक्ष के रूप में कार्य करेंगे।

[मं० एफ० 2-52/82-प्रा०आ०वी०]

New Delhi the 19th June, 1982

S.O. 2502—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri M. L. Pagaria as the Chairman of the Marudhar Kshetriya Gramin Bank, Churu and specifies the period commencing on the 1-4-1982 and ending with the 26-5-1982 as the period for which the said Shri M. L. Pagaria shall hold office as such Chairman.

[No. F. 2-52/82-RRB]

का०आ० 2503—प्रादेशिक ग्रामीण बैंक प्रधिनियम, 1976 (1976 का 21) की धारा 11 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा श्री बी०एम० शर्मा को मध्यर जेवीय ग्रामीण बैंक, चुरु का अध्यक्ष नियुक्त करती है तथा 27-5-1982 से प्रारम्भ होकर 30-6-1985 को समाप्त होने वाली प्रबंधि को उस प्रबंधि के रूप में निर्वाचित करती है जिसके दौरान श्री बी०एम० शर्मा अध्यक्ष के रूप में कार्य करेंगे।

[मं० एफ० 2-52/82-प्रा०आ०वी०]

राम बेहरा, अवर मन्त्री

S.O. 2503—In exercise of the powers conferred by sub-section (1) of section 11 of the Regional Rural Banks Act, 1976 (21 of 1976), the Central Government hereby appoints Shri B. M. Sharma as the Chairman of the Marudhar Kshetriya Gramin Bank, Churu and specifies the period commencing on the 27-5-82 and ending with the 30-6-1985 as the period for which the said Shri B. M. Sharma shall hold office as such Chairman.

[No. F. 2-52/82-RRB]

RAAM BEHRA, Under Secy.

वार्षिक संत्रालय

(संयुक्त मुख्य नियंत्रक, आयात तथा नियन्त्रित का कार्यालय)

आवेदन

मध्याम, 16 जून, 1982

का० आ० 2504—सर्वेश्वी कन्सलिनेटेड मेटल फिनिशिंग प्राइवेट लिमिटेड, 104 (एनपी) हरदस्तीय एस्टेट, मद्रास-600098 को आर्गेंनिक और इन्ड्रागेनिक कैमिकल्स का नियांग कार्य के लिए रुपये 2,00,895 तक प्रतीत-मार्च 83 के आयात नीति पृष्ठक के परिशिल्प 5 में वर्णित गई अनुमेय भद्रों का आयात करने के लिए आयात लाइसेंस गंड्या पी-एम-1936342-सी-एक्साम्प्ल-83-एम-82, दिनांक 19-5-82 जारी किया गया था। उपर्युक्त लाइसेंस की सीमांत्रिक प्रयोजनार्थी प्रति श्री मद्रा विनियम नियंत्रण प्रति दोनों ओं जाने के कारण, उनकी अनुलिपि प्रतिक्रिया जारी करने के लिए उन्होंने आवेदन किया है। लाइसेंस का पंजीकरण सीमांत्रिक प्राधिकारियों के साथ नहीं किया गया है। लाइसेंसकी की ओष्ठण के अनुसार मूल लाइसेंस का उपयोग नहीं किया गया है और लाइसेंस का पूरा मूल्य रुपये 2,00,895 को उपयोग किये विना छोड़ किया गया है। प्रबंध रुपये 2,00,895 की अनुलिपि प्रति जारी करने के लिए आवेदन किया गया है।

अपने तर्क के समर्थन में आवेदक ने एक शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी इस बात से सतुष्ट है कि लाइसेंस संख्या पी-एम-1936342-सी-एक्सेस-83-एम-82 दिनांक 19-5-82 की सीमाशुल्क प्रयोजनार्थ प्रति और मुद्रा विनिमय नियंत्रण प्रति की दोनों मूल प्रतिशतों को दी गयी हैं और आदेश देना है कि आवेदक को रुपये 2,00,895 (रुपये दो लाख आठ सौ पचास रुपये) का उत्तर्युक्त लाइसेंस की सीमाशुल्क प्रयोजनार्थ प्रति और मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रति जारी की जायें। लाइसेंस की सीमाशुल्क प्रयोजनार्थ प्रति और मुद्रा विनिमय नियंत्रण प्रति की मूल प्रतिशत गत दारा रह की जाती है।

सीमाशुल्क प्रयोजनार्थ प्रति तथा मुद्रा विनिमय नियंत्रण प्रति की अनुलिपि प्रतिया भलग जारी की जाती है।

[स० एम०आई० 18 (10)/24-ए.एम/83-एम-3]

MINISTRY OF COMMERCE

(Office of the Joint Chief Controller of Imports & Exports)

ORDER

Madras, the 16th June, 1982

S.O. 2504.—M/s. Consolidated Metal Finishing Private Limited, 104 (NP) Industrial Estate, Madras-600098 were granted a licence No. P/S/1936342/C/XX/83/M/82 dated 19-5-82 for Rs. 2,00,895 for import of Permissible items listed in Appendix 5 of the Policy Book for April-March 83 period for the manufacture of Organic and In-organic Chemicals only. They have requested for the issue of a Duplicate copy of both Customs and Exchange Control Purposes copies of the above licence which has been lost. The licence has not been registered with the Customs Authorities. According to the declaration given by the licence holder the original licence was not at all utilised so far and the full value of the licence Rs. 2,00,895 remains unutilised. The Duplicate licence now required is to cover the entire value of Rs. 2,00,895 only.

2. In support of their contention the applicant have filed an Affidavit. The undersigned is satisfied that both the Original Customs purposes copy and Exchange Control purposes copy of the licence No. P/S/1936342/C/XX/83/M/82 dated 19-5-82 have been lost and direct that a duplicate Customs and Exchange Control copies of the said licence should be issued to them for the value of Rs. 2,00,895 (Rupees Two Lakhs Eight Hundred and Ninety Five only). The Original Customs purposes copy and the Exchange Control purposes copy of the licence are hereby cancelled.

3. The duplicate Customs purposes copy and Exchange Control purposes copy of the licence are being issued separately.

[No. S. I. 18(10)/24/AM-83/AU-III]

आवेदन

मद्रास, 24 मई, 1982

ला०आ० 2505—पर्वती इंडिकार्ब लिमिटेड, 63, मिपकाट हॉस्टील काम्पनी, होम्पुर, 635126, को उनके द्वारा उपयोग किये गये या तो लगाये गये पूंजीगत माल के प्रबलन और रख-रखाव के लिए, रुपये 1,15,000 तक, गैर-प्रत्येक पुंजी का आयात करने के लिये आयात लाइसेंस संख्या पी-ई-2226638-सी-एक्सेस-79-एम-81 दिनांक 22-6-81। जारी किया गया था। उन्होंने लाइसेंस की सीमाशुल्क प्रयोजनार्थ प्रति जो जाने के कारण, उसकी अनुलिपि प्रति जारी करने के लिए लाइसेंसधारी ने आवेदन किया है। उन्होंने यह भी कहा है कि उत्तर्युक्त लाइसेंस, रुपये 64,000 तक उपयोग कर लेने के बाद, जो गयी है।

अपने तर्क के समर्थन में आवेदक ने एक शपथ-पत्र दाखिल किया है। अधोहस्ताक्षरी इस बात से सतुष्ट है कि उत्तर्युक्त लाइसेंस संख्या पी-ई-2226638-सी-एक्सेस-79-एम-81, दिनांक 22-6-81 की सीमाशुल्क

प्रयोजनार्थ प्रति मूल प्रति जो दी गयी है और आदेश देना है कि आवेदक की सीमाशुल्क प्रति की अनुलिपि प्रति जारी की जा। लाइसेंस की मूल प्रति एक दारा रह की जाती है।

सीमाशुल्क प्रयोजनार्थ प्रति की अनुलिपि प्रति संख्या पी-ई-2464693 दिनांक 6-5-83 अलग जारी की जाती है।

[स० आईटीसी/डी जीटी डी/5/एम-82/एम-1]

ORDER

Madras, the 24th May, 1982

S.O. 205.—M/s. Indicarb Limited, 63, Sipcot Industrial Complex, Hosur-635126 were granted licence No. P/D/2226638/C/XX/79/M/81 dt. 22-6-81 for Rs 1,15,000 for Non-permissible spares required for operation and maintenance of the capital goods installed or used by the licence holder. They have requested to issue a duplicate copy of the above licence (Customs Copy) which has been lost by them. Further it has been stated by them that the above licence has been lost by them after having been utilised for a sum of Rs. 64,000.

In support of their contention the applicant have filed an affidavit. The undersigned is satisfied that the Original Copy of the licence No. P/D/2226638/C/XX/79/M/81 dt. 22-6-81 (Customs Copy) has been lost and directs that a duplicate copy of the said licence (Customs Copy) should be issued to them. The original copy of the licence is hereby cancelled.

A duplicate licence (Customs Copy) No. P/D/2464693 dt. 6-5-83 has been issued separately.

[No. IT/C/DGTD/5/AM-82/AU-1]

T. N. VENKATESWARAN, Dy. Chief Controller of Imports and Exports.

मुख्य नियंत्रक, आयात-नियंत्रित का कार्यालय

आदेश

नई दिल्ली, 29 जून, 1982

का० आ० 2506—श्री प्रनाल मिह रंधावा फार्म, आम गांडी गुड्हा शाकधर शापुर पिड्डा, जिला रंगा रेड्डी, अन्ध्र प्रदेश को स्थायी रूप से नियंत्रण के लिए भारत व्रायम सीटने वाले भारतीयों की विशेष सुविधा के लिए भस्त्रीज बैंज 240 डी कार के आयात के लिए 1,25,000 रुपये मुल्य का एक सीमा शुल्क निकासी परमिट स० पी/जे/2361611, दिनांक 1-10-81 प्रदान किया गया था। आवेदक ने उत्तर्युक्त सीमाशुल्क निकासी परमिट की अनुलिपि प्रति जारी करने के लिए इन आयात पर आवेदन किया है कि मूल प्रति उनसे जो गई है / अस्थानस्थ हो गई है। आगे यह भी कहा गया है कि मूल प्रति कियी भी सीमाशुल्क प्राप्तिकारी के पास पर्याप्त नहीं कराई गई थी। और इन प्रति उत्तर्युक्त सीमाशुल्क नियंत्रित भी उपयोग नहीं हुआ था।

2. अपने तर्क के समर्थन में, लाइसेंसधारी ने नोटरी पब्लिक, हैदराबाद के बामने विधिन शपथ सेक्टर न्यूट्रिप एपर पर, एक शपथ-पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूं कि मूल सीमाशुल्क निकासी परमिट स० पी/जे/2361611/एम/80-81, दिनांक 1-10-81 आवेदक से जो गई है / अस्थानस्थ हो गई है यथासाधित आयात नियंत्रण आदेश, 1955 दिनांक 7-12-1955 की उपधारा 9 (सीमी) से प्रदत्त प्रधिकारों प्रयोग कर श्री प्रनाल मिह रंधावा का जारी हो गया उत्तर्युक्त सीमाशुल्क निकासी परमिट स० पी/जे/2361611/एम/80-81 की मूल प्रति एक दारा रह की जाती है।

3. सीमाशुल्क निकासी परमिट की अनुलिपि प्रति श्री प्रनाल मिह रंधावा को जारी की जाती है।

[स० ए०-205/81-82/पी.एल.एम]

जै० पी० मिर्ज़, उप मुख्य नियंत्रक, आयात-नियंत्रित

कृते-मुख्य नियंत्रक, आयात-नियंत्रित

(1)	(2)	(3)	(4)
3 IS 404 (भाग 2)-1979 संसे की नलियों की विशिष्टि भाग 2 रसायनिक कार्यों के लिए (इमरा पुनर्गीकरण)	IS 404-1962 संसे की नलियों की विशिष्टि (पुनर्गीकरण)।	IS 626-1963 साइकिल सीट के पिलर की विशिष्टि (पुनर्गीकरण)।	*भारतीय मानक सम्या प्रमाणन चिह्न योजना हेतु IS 404 (भाग 2) 1980-02-29 से लागू होगा।
4 IS 626-1979 साइकिल सीट के पिलर की विशिष्टि (इमरा पुनर्गीकरण)	IS 626-1963 साइकिल सीट के पिलर की विशिष्टि (पुनर्गीकरण)।	IS 631-1961 खाद्यान्न के भड़ारण के लिए एम-मिनियम की विन की विशिष्टि।	--
5 IS 631-1979 आहरी खाद्यान्न के भड़ारण के लिए एम-मिनियम विन की विशिष्टि (पहला पुनर्गीकरण)।	IS 1009-1979 मामान्य कार्यों के लिए मेदा की विशिष्टि (इमरा पुनर्गीकरण)।	IS 1009-1968 मेदा की विशिष्टि (पहला पुनर्गीकरण)	--
7 IS 1180 (भाग 2)-1979 XI किवा, 100 किवों तक के बहिर्ग तंत फेज वितरण ट्रांस-फार्मरों की विशिष्टि भाग 2 में लबन्ध टाइप	IS 1180-1964 11 किवों से 100-किवों तक के बहिर्ग प्रकार के टाइप तंत फेज वितरण ट्रांस-फार्मरों की विशिष्टि (पुनर्गीकरण)।	IS 1707-1960 मामान्य पैकेज कार्यों के लिए बुड-थन की विशिष्टि।	--
8 IS 1707-1979 मामान्य पैकेज बन्दी कार्यों के लिए बुड-बूट की विशिष्टि (पहला पुनर्गीकरण)।	(1) IS 1685 (भाग 5)-1965 विचुन तकनीकी शब्दावली भाग 5 स्फटिक किस्टल और (2) IS 1885 (भाग 33)-1972 विचुन तकनीकी शब्दावली भाग 33 दाब विचुन फिल्टर।	(1) IS 1685 (भाग 5)-1965 विचुन तकनीकी शब्दावली भाग 5 स्फटिक किस्टल और (2) IS 1885 (भाग 33)-1972 विचुन तकनीकी शब्दावली भाग 33 दाब विचुन फिल्टर।	--
10 IS 2052-1979 पश्चों के मिश्रित आहर की विशिष्टि (रें सरा पुनर्गीकरण)।	IS 2052-1975 पश्चों के मिश्रित आहर की विशिष्टि (इमरा पुनर्गीकरण)।	IS 2673-1964 पिटवा एमुमिनियम एवं एल-मिनियम मिश्र की कटवा गोल नलियों के परिमाप (पहला पुनर्गीकरण)।	*भारतीय मानक सम्या के प्रमाणन चिह्न योजना हेतु IS 2052-1979, 1980-04-30 से लागू होगा।
11 IS 2673-1974 पिटवा एमुमिनियम एवं एल-मिनियम मिश्र की कटवा गोल नलियों के परिमाप (पहला पुनर्गीकरण)।	IS 2673-1964 पिटवा एमुमिनियम एवं एल-मिनियम मिश्रधातु कटवा नलियों (गोल) के परिमाप।	IS 2918-1964 छात की नलियों उडियो और हैलो की विशिष्टि।	--
12 IS 2918-1979 छात की नलियों उडियो और हैलो की विशिष्टि (पहला पुनर्गीकरण)।	IS 3156 (भाग 1)-1956 बोल्टवा ट्रामफार्म की 1979-11-30 को स्थापित।	IS 3156 (भाग 1)-1956 बोल्टवा ट्रामफार्म की विशिष्टि भाग 1 मामान्य अपेक्षाएँ (पहला पुनर्गीकरण)।	--
13 IS 3146 (भाग 1)-1978 बोल्टवा ट्रामफार्मरों की विशिष्टि भाग 1 मामान्य अपेक्षाएँ (पहला पुनर्गीकरण)।	IS 3517-1965 सूर्व लिटरों की विशिष्टि।	IS 4038-1967 जलकल कार्यों के लिए पाद बाल्बो की विशिष्टि।	1979-09-10 को स्थापित।
14 IS 3517-1979 सूर्व लिटरों की विशिष्टि (पहला पुनर्गीकरण)।	IS 4510-1968 दाब टाइप श्रीमिज बेलनाकार उच्च गति वाप्प स्टेरीलाइजरों की विशिष्टि (पहला पुनर्गीकरण)।	IS 4510-1968 दाब टाइप श्रीमिज बेलनाकार उच्च गति के वाप्प स्टेरीलाइजरों की विशिष्टि।	*भारतीय मानक सम्या प्रमाणन चिह्न योजना हेतु IS 4510-1978 विधि 1980-01-01 से लागू होगा।
15 IS 4038-1979 जलकल कार्यों के लिए पाद बाल्बो की विशिष्टि (पहला पुनर्गीकरण)।	IS 4586-1968 विचुन उपकरण के अमाने में प्रयुक्त यांत्रिक यक्तियों के विवरण एवं तकुवे के आवाय।	IS 4586-1968 विचुन उपकरण के अमाने में प्रयुक्त यांत्रिक यक्तियों के विवरण एवं तकुवे के आवाय।	1979-05-31 को स्थापित।
16 IS 4510-1978 दाबटाइप श्रीमिज बेलनाकार उच्च गति वाप्प स्टेरीलाइजरों की विशिष्टि (पहला पुनर्गीकरण)।	IS 4838 (भाग 2)-1908 स्कूली बच्चों के लिए मानवमिरीय आयाम भाग II आयुर्वं 12-16 वर्ष।	IS 4838 (भाग 2)-1908 स्कूली बच्चों के लिए मानवमिरीय आयाम भाग 2 आयु वर्ष 12-16 वर्ष।	--
17 IS 4586 (भाग 1/अनुभाग 9) 1978 तकुवों के माप, नकुवा आलिन इलेक्ट्रानिक उपकरण के आगामण प्रबन्ध भाग 1 तकुवे अनुभाग 9 नलदार तकुवे।	IS 4586-1968 विचुन उपकरण के अमाने में प्रयुक्त यांत्रिक यक्तियों के विवरण एवं तकुवे के आवाय।	तकुवों के माप और इलेक्ट्रानिक उपकरणों में प्रयुक्त लगाने की युक्तियाँ।	--
18 IS 4838 (भाग 2)-1979 स्कूली बच्चों के लिए मानवमिरीय आयाम भाग II आयुर्वं 12-16 वर्ष। (प्रथम पुनर्गीकरण)।	IS 5047 (भाग 1)-1969 एल-मिनियम एवं एल-मिनियम मिश्रधातु से मशीन पारिभाविक शब्दावली भाग 1 परिष्कृत एवं अपरिष्कृत धातु।	IS 5047 (भाग 1)-1969 एल-मिनियम एवं एल-मिनियम मिश्रधातु की पारिभाविक शब्दावली भाग 1 परिष्कृत एवं अपरिष्कृत धातु।	--
19 IS 5047 (भाग 1)-1979 एल-मिनियम एवं एल-मिनियम मिश्रधातु से मशीन पारिभाविक शब्दावली भाग 1 परिष्कृत एवं अपरिष्कृत धातु। (पहला पुनर्गीकरण)।			--

(1)	(2)	(3)	(4)
20. IS : 5047 (भाग 3)-1979 एलुमिनियम एवं एन्यु- मिनियम मिश्रधातु से संबंधित पारिवायिक शब्दा- वस्ति भाग 3 रेखागणितीय गुणवत्तम एवं सहित्याना संरचना और तत्त्वज्ञान ।	--	--	--
21. IS : 5508 (भाग 19 से 21) 1979 मर्डर्सी पकड़ने के नियम की संर्दृशिका ।	--	--	--
22. IS : 5701 (भाग 9) 1979 प्रयोगशाला के जानवरों के प्रजनन, देखभाल प्रबन्ध और रहना महत की रूपहारा भाग 9 प्रयोगशाला के भवनर	--	--	--
23. IS : 6965-1979 रेल के मध्यांति डिव्हॉर्स में प्रयोग के लिए स्विचों की विशिष्टि (पहला पुनरीक्षण) ।	IS : 6965-1973 रेल के मध्यांति डिव्हॉर्स में प्रयोग के लिए स्विचों की विशिष्टि ।	--	--
24. IS : 7594 (भाग 2)-1979 चम्बर्काय छवनि टेप भरने एवं बजाने उपकरण (कैमेट) भाग 2 घरेलू दाशप (पहला पुनरीक्षण) ।	IS : 7594 (भाग 2)-1975 चम्बर्काय छवनि टेप भरने और बजाने के उपकरण (मुवाहय कैमेट) भाग 2 घरेलू दाशप ।	--	--
25. IS : 7664-1979 दाव उपकरण सेटों की स्थान संर्दृशिका की विशिष्टि (प्रथम पुनरीक्षण) ।	IS : 7664-1975 दाव उपकरण सेटों की स्थान सद- शिका की विशिष्टि ।	--	--
26. IS : 8127-1979 दाव उपकरण सेटों के लिए सद- शिका दुरुणों की विशिष्टि (प्रथम पुनरीक्षण)	IS : 8127-1976 दाव उपकरण सेटों के लिए सद- शिका दुरुणों की विशिष्टि ।	--	--
27. IS : 8170-1979 नियान के लिए परिष्कृत चमड़े की पहचान की मार्गदर्शिका (दूसरा पुनरीक्षण) ।	IS : 8170-1976 नियान के लिए परिष्कृत चमड़े के पहचान की मार्गदर्शिका ।	--	--
28. IS : 8190 (भाग 3)-1979 फाल्स कीटनाशी की बंधाई की अपेक्षाएँ भाग 3 घरेलू कीटनाशक ।	--	--	--
29. IS : 8190 (भाग 4) 1979 कीटनाशी की बंधाई की अपेक्षाएँ भाग 4 धूमक ।	--	--	--
30. IS : 8252 (भाग 4)-1979 बायूयान उपकरणों के लिए पर्यावरणीय परीक्षण भाग 8 ताप परिवर्तन ।	--	--	--
31. IS : 8252 (भाग 10)-1979 बायूयान उपकरण के लिए पर्यावरणीय परीक्षण भाग 10 नमक कोहरा ।	--	--	--
32. IS : 8690-1977 उच्च गोक्कुता फोग्न के लिए म.पन शूरूपयों के उपयोग की महिला ।	--	--	--
33. IS : 8885-1979 विद्युत मायोग्राम की विशिष्टि ।	--	--	--
34. IS : 8905-1979 की पट्टों एवं पंखों के पट्टों के मावरण की सूची कापड़े की विशिष्टि ।	--	--	--
35. IS : 9047 (भाग 1)-1978 हवाई राज्य मार्ग एवं केवल मार्गों के लिए ग्राहक पथ भाग 1 माल परि- वहन की हवाई प्रणाली के लिए व्हीकार द्वारा शांकित उपलब्ध कराना ।	--	--	--
36. IS : 9099 (भाग 1)-1979 द्वितीयक जोक्सों में कार्यरूप पावरक्लिन और्डर्स की काय- कारिता परीक्षण भाग 1 ग्राहक जालिन अन्तर्द्वि- हजन ।	--	--	--
37. IS : 9100-1979 इस्पात और वन्दूओं के नमूने लेने की पद्धतियाँ ।	--	--	--
38. IS : 9107-1979 ग्राहोकोलीमेटर की विशिष्टि ।	--	--	--
39. IS : 9114-1979 ममुक्षी जागांतों पर आत्मनुकृति शब्दों में रोक्षन मन्त्रनीय सामाजिक अपेक्षाएँ ।	--	--	--

(1)	(2)	(3)	(4)
40	IS : 9123-1979 घासों में उपयोग के लिए दूरी चालित हजानों की विशिष्टि ।	--	--
41	IS : 9128-1979 भारी कार्बे के लिए एक वैट, रेपो जो (विशिष्टि) ।	--	--
42	IS : 9181-1979 सी-कॉर्ट्सों की विशिष्टि ।	--	--
43	IS : 9185 (भाग 2)-1979 वैद्युत एवं इलेक्ट्रोनिक उत्तरों वाली (जीवन) परीक्षा भाग 2 विशिष्टि ।	--	--
44	IS : 9186-1979 विनूत एवं इलेक्ट्रोनिक वर्गों के जावनेकी संवर्धिका ।	--	--
45	IS : 9187 (भाग 1)-1979 टी वी चित्र टायरों के मध्य वर्तुल विस्तृत कॉर्डल युनिटों की विशिष्टि भाग 1 सामान्य ग्राहणात् एवं परीक्षण ।	--	--
46	IS : 9197-1979 इलेक्ट्री राल, कठोरकारी पतायरों और फर्न की उपरी सरह के लिए इंगेली राल संस्टॅटन की विशिष्टि ।	--	--
47	IS : 9206-1979 ट्रैक्टर (प्रॉप्रेल वाले सामान) कारों की बजारी की बनियों की टोपियों के परिमाप ।	--	--
48	IS : 9207-1979 डाक-टर्ट अटॉल वैरो-फिसोल, तकनीकी की विशिष्टि ।	--	--
49	IS : 9210-1979 पद्धति ग्राममरियों की विशिष्टि ।	--	--
50	IS : 9215-1979 खाद्यान्न के भारतीय विभिन्न रूप उत्पादन त्रिन की विशिष्टि ।	--	--
51	IS : 9218-1979 पशु खालित कलटीवेल्डरोंके लिए त्रिभुजाकार घेलकों की विशिष्टि ।	--	--
52	IS : 9222 (भाग 1)-1979 जल उपचार के रसायन धरने उड़ाने और मानव आलने की युक्तियों की विकारिशी, भाग 1 जासन ।	--	--
53	IS : 9230-1979 सूनी अर्पण करणे की विशिष्टि ।	--	--
54	IS : 9232-1979 ग्रामवाशी के तेल की विशिष्टि ।	--	--
55	IS : 9233 (भाग 1)-1979 मनुष्य निमित्त नन्तु संयंक से जैसी उत्पत्ति की सीमाएं भाग 1 मेन् दीज नन्तु ।	--	--
56	IS : 9234-1979 रसायनिक एवं सूक्ष्मजीव विष्लेषण के लिए ओस अपवेष्य के नैयार करने की पद्धतियां ।	--	--
57	IS : 9235-1974 ठोस अपविष्टों में शौचीगक झोप अपविष्ट फो लोडकर नन्ती निष्ठारण एवं शौचीक विष्लेषण की पद्धतियां ।	--	--
58	IS : 9236-1979 धानु के पत्र रेखों की विशिष्टि ।	--	--
59	IS : 9252-1979 जस्ता निष्ठारण पाथतारी वो पद्धति ।	--	--
60	IS : 9253-1979 पहियेदार हृषि ट्रैक्टरों के गोन में कार्य करने के स्थानक की मानदण्डिका ।	--	--
61	IS : 9255-1979 बाढ़ी बनाने के पश्चात् लगावे के इव की विशिष्टि ।	--	--
62	IS : 9261-1979 समय पाल उपकरणों की नियंत्रण स्थितियों की प्रतीक प्रणाली ।	--	--

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63 IS 9262-1979 संस्कृत काहनों के गिर्द वित्तियों संस्कृती भक्तियों।	--	--	--
64 IS 6263 (भाग 1)-1979 पटी के जूँगों त्रि विभिन्न भाग 1 क्रियाशील तथा क्रिया रहित चाल। (परिधान।)	--	--	--

इन भारतीय मानकों वी प्रतियां, भारतीय मानक विभाग, मानक विभाग, ९ वाहतुरगांड जफा मार्ग, नई दिल्ली ११००२७ और ग्रन्डमदाराग, बगौर,
भोपाल, भवनेश्वर, बैकरी कलकाता, अश्वीगढ़, देवगढ़ाड, जगपुर, कानपुर, मदाम पट्टन, और लिंबेंडम विभिन्न शास्त्र कार्यालयों से विभिन्न के द्वारा उत्पन्न हैं।

[१० सौ रुपये 1/3 2]
१० रुपये बत्ती अपर माननिवेदक

MINISTRY OF CIVIL SUPPLIES
INDIAN STANDARDS INSTITUTION
New Delhi, 1982-06-21

S.O. 2508.—In pursuance of sub-rule (2) of Rule 3 and Sub-regulations (2) and (3) of regulation 3 of Indian Standards Institution (Certification Marks) Rules and Regulation, 1955, the Indian Standards Institution hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, have been established on 1979-12-31:

SCHEDULE

Sl. No.	No. and Title of the Indian Standards Established	No. and Title of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Remarks, if any
1	2	3	4
1.	IS : 68-1979 Specification for kaolin for paints (first revision)	IS : 68-1950 Specification for kaolin for paints	→
2.	IS : 385-1979 Specification for mixed liquid driers for paints (second revision)	(i) IS : 385-1962 Specification for liquid driers for paints (revised) and (ii) IS : 386-1962 Specification for liquid driers, concentrated for paints (revised)	→
3.	*IS : 404 (Part II)-1979 Specification for lead pipes : Part II for chemical purposes (Second revision)	IS : 404-1962 Specification for lead pipes (revised)	*For purposes of ISI Certification Marks Scheme : IS : 404 (Part II) shall come into force with effect from 1980-02-29
4.	IS : 626-1979 Specification for bicycle seat pillars (second revision)	IS : 626-1963 Specification for bicycle seat pillars (revised)	→
5.	IS : 631-1979 Specification for outdoor aluminium foodgrain storage bins (first revision)	IS : 631-1961 Specification for aluminium foodgrain storage bins	→
6.	IS : 1009-1979 Specification for MAIDA for general purposes (second revision)	IS : 1009-1968 Specification for MAIDA (first revision)	→
7.	IS : 1180 (Part II)-1979 Specification for outdoor three - phase distribution transformers up to and including 100 KVA 11 kV : Part II Sealed type	IS : 1180-1964 Specification for outdoor type three-phase distribution transformers up to and including 100 KVA 11 kV (revised)	→
8.	IS : 1707-1979 Specification for wood wool for general packaging purposes (first revision)	IS : 1707-1960 Specification for wood wool for general packaging purposes	→
9.	IS : 1885—(Part XLIV)—1978 Electrotechnical vocabulary: Part XLIV Piezoelectric devices	(i) IS : 1885 (Part V) —1965 Electrotechnical vocabulary : Part V Quartz crystals and (ii) IS : 1885—(Part XXXIII)—1972 Electrotechnical vocabulary . Part XXXIII Piezo electric filters	→

1	2	3	4
10. *IS : 2052—1979 Specification for compounded feeds for cattle (third revision)	IS : 2052—1975 Specification for compounded feeds for cattle (second revision)	—	*For purposes of ISI Certification Marks Scheme; IS : 2052—1979 shall come into force with effect from 1980-04-30
11. IS : 2673—1979 Dimensions for wrought aluminium and aluminium alloys, extruded round tube (first revision)	IS : 2673—1974 Dimensions for wrought aluminium and aluminium alloys, extruded tube (round)	—	—
12. IS : 2918—1979 Specification for umbrella tubes, sticks and handles (first revision)	IS : 2918—1964 Specification for umbrella tubes, sticks and handles	—	—
13. IS : 3156 (Part I)—1978 Specification for voltage transformers : Part I General Requirements (first revision)	IS : 3156 (Part I)—1965 Specification for voltage transformers : Part I General requirements	Established on 1979-11-30	—
14. IS : 3517—1979 Specification for cotton linters (first revision)	IS : 3517—1965 Specification for cotton linters	—	—
15. IS : 4038—1979 Specification for foot valves for water works purposes (first revision)	IS : 4038—1967 Specification for foot valves for water works purposes	Established on 1979-09-30	—
16. *IS : 4510—1978 Specification for horizontal cylindrical high speed steam sterilizers, pressure type (first revision)	IS : 4510—1968 Specification for horizontal cylindrical high speed steam sterilizers pressure type	Established on 1979-05-31	*For purposes of ISI Certification Marks Scheme; IS : 4510—1978 shall come into force with effect from 1980-01-01
17. IS : 4586 (Part I/Sec 9)—1978 Dimensions of spindles and mounting arrangements for spindle operated electronic components; Part I Spindles : Section 9 Knurled spindle (first revision)	IS : 4586—1968 Dimensions of spindles and details of mechanical fixing devices used in electronic equipment	—	—
8. IS : 4838 (Part II)—1979 Anthropometric dimensions for school children : Part II Age group 12—16 years (first revision)	IS : 4838 (Part II)—1968 Anthropometric dimensions for school children: Part II Age group 12—16 years	—	—
19. IS : 5047 (Part I)—1979 Glossary of terms relating to aluminium and aluminium alloys: Part I Unwrought and wrought metals (first revision)	IS : 5477 (Part I)—1969 Glossary of terms for aluminium and aluminum alloys : Part I Unwrought and wrought metals	—	—
20. IS : 5047 (Part III)—1979 Glossary of terms relating to aluminium and aluminium alloys: Part III Geometrical properties and tolerance structural and surface defects	—	—	—
21. IS : 5508 (Parts XIX to XXI)—1979 Guide for fishing gear	—	—	—
22. IS : 5701 (Part IX)—1979 Code for breeding, care management and housing of laboratory animals : Part IX Laboratory pigeons	—	—	—
23. IS : 6965—1979 Specification for switches for use in railway coaching stock (first revision)	SI : 6965—1973 Specification for switches for use in railway coaching stock	—	—
24. IS : 7594 (Part II)—1979 Specification for magnetic sound tape recording and reproducing equipment (cassette) : Part II Domestic type (first revision)	IS : 7594 (Part II)—1975 Specification for magnetic sound tape recording and reproducing equipment (portable cassette); Part II Domestic type	—	—
25. IS : 7664—1979 Specification for guide posts for press tool sets (first revision)	IS : 7664—1975 Specification for guide posts for press tool sets	—	—

(1)	(2)	(3)	(4)
26. IS : 8127—1979 Specification for guide bushes for press tool sets. (first revision).	IS : 8127—1976 Specification for guide bushes for press tool sets	—	—
27. IS : 8170—1979 Guidelines for identification of finished leather for export (Second Revision).	IS : 8170—1976 Guidelines for identification of finished leather for export.	—	—
28. IS : 8190 (Part III)—1979 Requirements for packing of pesticides : Part III Household pesticides	—	—	—
29. IS : 8190 (Part IV)—1979 Requirements for packing of pesticides: Part IV Fumigants.	—	—	—
30. IS : 8252 (Part VIII)—1979 environmental tests for aircraft equipment : part VIII Change of temperature	—	—	—
31. IS : 8252 (Part X)—1979 environmental tests for aircraft equipment : Part X Salt mist	—	—	—
32. IS : 8690—1977 Application guide or measuring devices for high voltage testing.	—	—	—
33. IS : 8885—1978 Specification for electromyograph.	—	—	—
34. IS : 8995—1979 Specification for cotton cover fabrics for fan belts and V belts	—	—	—
35. IS : 9047 (Part I)—1978 Data sheet for aerial ropeways and cableways: Part I Data to be supplied by intending purchaser for aerial system for transportation of goods	—	—	—
36. IS : 9099 (Part I)—1979 Performance testing of powered industrial trucks working in hazardous areas : Part I International combustion engine powered	—	—	—
37. IS : 9100—1979 Methods of sampling steel forgings	—	—	—
38. IS : 9107—1979 Specification for autocollimator	—	—	—
39. IS : 9114—1979 General requirements for insulation in air-conditioned spaces on board ships	—	—	—
40. IS : 9123—1979 Specification for battery locomotives for use in mines	—	—	—
41. IS : 9128—1979 Specification for heavy duty dry batteries	—	—	—
42. IS : 9181—1979 Specification for c-clamps	—	—	—
43. IS : 9185 (Part II)—1979 Endurance (life) test for electronic and electrical components : Part II Mechanical endurance	—	—	—
44. IS : 9186—1979 Guide for screening of electronic and electrical items.	—	—	—
45. IS : 9187 (Part I)—1979 Specification for deflection coil units used with TV picture tubes : Part I General requirements and tests.	—	—	—
46. IS : 9197—1979 Specification for epoxy resin, hardeners and epoxy resin compositions for floor topping	—	—	—
47. IS : 9206—1979 Dimensions of caps for tungsten filament general service electric lamps.	—	—	—
48. IS : 9207—1979 Specification for di-tert-butyl-para-cresol technical	—	—	—

(1)	(2)	(3)	(4)
49. IS : 9210—1979	Specification for display cabinets	—	—
50. IS : 9215—1979	Specification for outdoor steel bins for foodgrain storage	—	—
51. IS : 9218—1979	Specification for triangular shovels for animal-drawn cultivators.	—	—
52. IS : 9222 (Part I)—1979	Recommendation for handling and dosing devices for chemicals for water treatment : Part I Coagulants.	—	—
53. IS : 9230—1979	Specification for cotton chafer fabrics.	—	—
54. IS : 9232—1979	Specification for ambadi oil	—	—
55. IS : 9233 (Part I)—1979	Limits for gaseous emissions from man-made fibre plants : Part Cellulosic fibres	—	—
56. IS : 9234—1979	Method for preparation of Solid waste sample for chemical and microbiological analysis	—	—
57. IS : 9235—1979	Method for physical analysis and determination of moisture in solid wastes (excluding industrial solid wastes)	—	—
58. IS : 9236—1979	Specification for metal letter-racks	—	—
59. IS : 9252—1979	Method for determination of zinc (volumetric).	—	—
60. IS : 9253—1979	Guidelines for field performance evaluation of agricultural wheeled tractors.	—	—
61. IS : 9255—1979	Specification for after-shave lotion	—	—
62. IS : 9261—1979	Symbolization of control positions for timekeeping instruments.	—	—
63. IS : 9262—1979	Recommendations for gear positions for road vehicles.	—	—
64. IS : 6263 (Part I)—1979	Specification for horological jewels : Part I Functional and non-functional jewels (definition).	—	—

Copies of these Indian Standards are available for sale with the Indian Standards Institution, Manak Bhawan, 9 Bahadurshah Zafar Marg, New Delhi-110002 and also from its branch offices at Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Bombay, Calcutta, Chandigarh, Hyderabad, Jaipur, Kharagpur, Madras, Patna and Trivandrum.

[No. CMD/13 :2]

A.P. BANARJI, Addl. Director General

पेट्रोलियम, रसायन और उर्बरक विभाग

(पेट्रोलियम विभाग)

नई दिल्ली, 23 जून, 1982

क्रा. अंक 2509.—यह केन्द्रीय सरकार का यह प्रतीत होता है कि सोकल्हिं में यह आवश्यक है कि गुजरात राज्य में एस-एलएल० में मासा सन जी जी एम-II तक पेट्रोलियम के परिवहन के लिये पाईपलाईन तेल संचालन व्यवस्था की विकास विभाग जैसी चाहिए।

और यह यह प्रतीत होता है कि गोरी लाइनों को विद्युत के प्रयोग के सिवे एस-एलएल० इनसुली में विभिन्न भूमि में उपयोग का अधिकार विभिन्न करना आवश्यक है।

391GT/82—3

अत भव, पेट्रोलियम और विभाग पाईपलाईन (भूमि में उपयोग के अधिकार का अंतर्न) अधिनियम, 1962 (1962 का 50) की आर्थिकीय उपयोग (iii) द्वारा प्रदत्त प्रतियों का प्रयोग करने द्वारा केन्द्रीय सरकार ने उम्मे उपयोग का अधिकार अर्जित करने का अपना आवश्यक एन्ड्राइव घोषित किया है।

विभागों कि उक्त भूमि में द्विवार कोई अविकल, उस भूमि के नीले पाईप लाइन बिल्डन के लिए आवश्यक सभी प्राप्तिकारी, तेल संचालन व्यवस्था की आवश्यक, नियंत्रण और देखभाल प्रभाग, मकानपुरा गोड, बड़ोपुरा-१ और उस अधिकृतन की तारीख से 21 दिनों के भित्तर कर सकें।

और ऐसा अवश्यक करने वाला हर व्यक्ति विनिश्चित यह भी कब्जे करेगा कि क्या वह चाहता है कि उसकी सुनवाई अविकल हो या किसी विभिन्न व्यवसायी की माफें।

अनुसूचि

कूप नं० (67) एम०इ०एल० से सोभासन जी जी एम०JI

राज्य : गुजरात

तिला श्रीर नालूका मेहसाना

गाव	सर्वेक्षण नं०	हेक्टेयर	ए. भार ई०	मेट्रीयर
जगुदन	618	0	02	50
	619	0	12	50
	634	0	06	96
	636	0	01	80
	635	0	04	20
	638	0	05	75
	639	0	05	50
	464	0	04	30

[सं० 12016/23/82-प्रोडक्षन]

एल० एम० गोपल, निदेशक

MINISTRY OF PETROLEUM, CHEMICALS AND FERTILIZER

(Department of Petroleum)

New Delhi, the 23rd June, 1982:

S.O. 2509.—Whereas it appears to the Central Government that it is necessary in the public interest for the transport of petroleum from SEL to SOB GGSII in Gujarat State pipeline should be laid by the Oil & Natural Gas Commission.

And whereas it appears that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in the Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Provided that any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipeline under the land to the Competent Authority, Oil & Natural Gas Commission, Construction & Maintenance Division, Makarpura Road, Vadodara 39009.

And every person making such an objection shall also state specifically whether he wishes to be hear in person or by a legal practitioner.

SCHEDULE

PIPELINE FROM WELL NO. SEL(67) TO SOB. GGS II

STATE : GUJARAT

Taluka & District : Mehsana

Village	Survey No.	Hec-tare	Are	Centi-tare
1	2	3	4	5
JAGUDAN	618	0	02	50
	619	0	12	50
	634	0	06	96
	636	0	01	80
	635	0	04	20
	638	0	05	75
	639	0	05	50
	464	0	04	30

[No. 12016/23/82-Prod.]
L. M. GOEL, Director

ऊर्जा मंत्रालय

(कोयला विभाग)

गुद्धिपत्र

नई दिल्ली, 25 जून, 1982

का० आ० 2510—भारत के राजपत्र, भाग II खण्ड 3 उपखण्ड (ii) तारीख 12 दिसम्बर, 1981 पर प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं० का० आ० 3351 तारीख 24 नवम्बर, 1981 में :—

1. प्रथम पैरा की चौथी पंक्ति के स्थान पर “खंड 3, उपखंड (2) तारीख 29 मार्च, 1980 में प्रकाशित भारत सरकार के इस्पात, खान प्रौद कोयला मंत्रालय के कोयला विभाग की अधिसूचना सं० का० आ० 798 तारीख 12 मार्च, 1980 द्वारा उससे उपबद्ध अनुसूची में विनियिट इकाइ में, पढ़े”।

2. पैरा 3 की पांचवीं पंक्ति में, “2-11-37” के स्थान पर 211-37 एकड़ पढ़ें।

3. टिप्पण 1 में, (i) प्रथम पंक्ति में “धर्षीन आने वाले” के स्थान पर “धर्षीन आने वाले शेत्र के” पढ़ें।

(ii) दूसरी पंक्ति में “निरीक्षण भ्रम्यक” के स्थान पर, “निरीक्षण कलकटा” पढ़ें और “महाराष्ट्र” के स्थान पर (महाराष्ट्र) पढ़ें।

4. टिप्पण 2 (3) की चौदहवीं पंक्ति में दिभिन्न रिपोर्ट के स्थान पर, “विभिन्न रिपोर्ट” पढ़ें।

5. टिप्पण 2 (3) की प्रथम पंक्ति में “धान” शब्द के स्थान “धारा” शब्द पढ़ें।

6. टिप्पण 3 की दूसरी पंक्ति में, “काउमिन” शब्द के स्थान पर “काउर्सिल हाउस” पढ़ें।

7. अनुसूची में, शीर्षक में “विवृत खान” के स्थान पर “विवृत खान” पढ़ें।

(i) “वधी” के स्थान पर “वर्धी” पढ़ें।

(iii) “ग्राम माना” में अंजित किए जाने वाले ज्वाट संलग्नक शीर्षक के नीचे “51 (मावा)” के स्थान पर “51 (भाग) 52 (भाग)” अंक और शब्द पढ़ें।

(iv) सीमा वर्णन में, “मावी” शब्द जहां कही भी आया है, उसके स्थान पर “ग्राम” मिमिलिक्त” पढ़ें।

(v) (क) “ख ग” सामने “रेखा ग्राम” के स्थान पर “रेखा ग्राम माना” पढ़ें।

(ख) “गजरनी” के स्थान पर “गुजरानी” पढ़ें।

(vi) “ग घ” के सामने “ग्राम की सड़क के पूर्वी ओर” के स्थान पर ग्राम सड़क की पूर्वी दिशा में पढ़ें।

(vii) “ग्राम की सड़क पूर्वी ओर” शब्दों के स्थान पर “ग्राम सड़क की पूर्वी दिशा” शब्द पढ़ें।

(viii) “ह-फ” के स्थान पर “ह-च” पढ़ें।

(ix) “ह-घ” के सामने “47” के स्थान पर “73” पढ़ें।

[सं० 19/43/80 सी एल (II)]

स्वर्ण सिंह, अध्यक्ष सचिव

MINISTRY OF ENERGY

(Department of Coal)

CORRIGENDUM

New Delhi, the 25th June, 1982

S.O. 2510.—In the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 3351 dated the 24th November, 1981, published at pages 3821 to 3822 of the Gazette of India, Part II, Section 3, sub-section (ii) dated the 12th December, 1981 at page 3822 under the heading "plot numbers to be acquired in village Nandgaon" for "40/(P)" read "40/3(P)".

[No. 19/43/80-CL(Vol. II)]

SWARAN SINGH, Under Secy

इमारीण विकास संचालन

नई दिल्ली, 7 जूलाई, 1982

का० आ० 254.—तम्बाकू श्रेणीकरण और विनाशकन नियम, 1937 का संशोधन करने के लिए नियमों का एक पार्श्व, कृषि उपज (श्रेणीकरण और विनाशकन) प्रधिनियम, 1937 (1937 का 1) की धारा 3 द्वारा यथा प्रवेशित भारत सरकार के इमारीण पुनर्निर्माण संचालन की प्रधिनियम सं० का०आ० 1951 तारीख 11 जून, 1981 के अधीन भारत सरकार के राजपत्र, भाग 2, अंक 3, उपर्युक्त (ii) तारीख 18 जूलाई, 1981, पृष्ठ 2175 पर प्रकाशित किया गया था, जिसमें उस तारीख से जिसको उक्त प्रधिनियम वाले राजपत्र की प्रतियाँ जनता को उपलब्ध करा दी थी 45 दिन की अवधि की मामालित तक उन सभी लक्षितयों में आक्षेप और मुमाला मार्गे गये थे, जिनके उपर्युक्त प्रमाणित होने की संभावना है।

और उक्त राजपत्र की प्रतिया 21 अगस्त, 1981 को जनता को उपलब्ध करा दी गयी थी;

और केन्द्रीय सरकार ने उक्त प्राप्त की बाबत प्राप्त आक्षेपों और सुमालों पर विचार कर लिया है;

अब केन्द्रीय सरकार उक्त प्रधिनियम की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तबाकू श्रेणीकरण और विनाशकन नियम, 1937 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

नियम

1. (1) इन नियमों का संक्षिप्त नाम तम्बाकू श्रेणीकरण और विनाशकन (संशोधन) नियम, 1982 है।

(2) ये राजपत्र में प्रकाशित की जानी वाली को प्रवृत्त होगे।

2. तम्बाकू श्रेणीकरण और विनाशकन नियम, 1937 में:—

(क) नियम 3 के उपनियम (1) में, अंत में निम्नलिखित पैरा प्रत्यक्षायित किया जाएगा, अर्थात्:—

"तम्बाकू में अनुमूली 36 में यथा परिभायित पिटा हुआ पत्र दल भी (पुनः शुरू किया) हो सकता है।"

(ख) विद्यमान अनुसूची 2-क का सूप किया जाएगा;

(ग) विद्यमान अनुमूली 36 को अनुमूली 37 के स्थान पर संशोधित किया जाएगा;

(घ) अनुमूली 35 के पश्चात निम्नलिखित अनुमूली 38 संशोधित की जाएगी, अर्थात्:—

"अनुसूची 36

भारत में उगाए गये तम्बाकू से प्राप्त विटे हुए पत्र दल का श्रेणी अधिनाय और परिभाया।

1. पिटा हुआ पत्र दल किसी भी प्रजाति की और उसकी संकर किसी की, जिनके अधिलक्षण वैसे ही नहीं, श्रेणीकृत तम्बाकू को पीटकर प्राप्त किया जाता है और इसमें पत्तों के ऐसे सिरे जो पत्ते की लगावग एवं तिहाई लम्बाई को काटकर प्राप्त होते हैं, और सिरा की पत्ती की यंत्र द्वारा पीटकर प्राप्त भिन्न भिन्न लम्बाईयों के छोटे बड़े टुकड़े (बचा हुआ एक भाग) होते।

2. पिटे हुए पत्र दल में पत्तों के सिरे और सिरे कटे पत्तों से प्राप्त विभिन्न लम्बाई के ऐसे छोटे बड़े टुकड़े होते हैं जो यंत्रों से तोड़े गये हो, किंतु इस संबंध में सीमाएं निम्नलिखित हैं:—

(क) पत्तों के सिरों का आकार लम्बाई में 76 से 152 मिमी० के बीच होगा।

(ख) सिरे काटकर बचे हुए छोटे बड़े टुकड़ों का आकार लम्बाई में 6 से 152 मिमी० के बीच होगा।

(ग) "पता" सिरों का भार कुप्र पत्र दल के (भार के) 25 प्रतिं० से अधिक नहीं होगा।

(घ) पिटे हुए पत्र दल में कुछ तम्बाकू में 13 मिमी० से अधिक लम्बे टुकड़े कम से कम 70 प्रतिशत (भार के अनुमार) होंगे।

(इ) पिटे हुए पत्र दल में कुछ तम्बाकू में 6 मिमी० के आकार से कम के टुकड़े 10 प्रतिशत (भार के अनुमार) में अधिक नहीं होंगे।

(ज) पिटे हुए पत्र दल में कुछ तम्बाकू में इंटल भार के 5 प्रतिशत से अधिक नहीं होंगे।

3. पिटे हुए पत्र दल की परिका और निर्धारित निम्नलिखित गतीय पर होगी, अर्थात्:—

(क) पिटे हुए पत्र दल के लिए निर्विष्ट की जाने वाली श्रेणी पिटाई के लिए पूर्ण पत्ते भेजने से 10५ अवधारित की जायेगी। संवधित अनुमूली में बात हो गये अविनियमित तम्बाकू को नानू होने वाले श्रेणी विनाशक, तम्बाकू को पिटाई संयंत्र में डालने से पहले, प्रवर्तित किये जायेंगे।

(ख) किसी विशिष्ट श्रेणी के लिए निरीक्षित और अनुमोदित तम्बाकू का ही निरीक्षण अधिकारी की उपस्थिति में, पिटाई की अनुमारी जायेगी, और गमार्क लेवल पर पिटा हुए पत्र दल शब्द कोटक में तथा श्रेणी अधिनाय विद्यन के माथ-माथ अक्रित किये जायेंगे।

(ग) एगमार्क फिये गये अविनियमित तम्बाकू के दैकेजो की भाँति ही श्रेणीकृत पिटा हुआ पत्र दल तम्बाकू के पैकेज भी प्रयिक पैक संस्पर्शग्र और दिक निरीक्षण के अधीन होंगे।

टिप्पणी

(1) पहला संशोधन का०आ० मं० 4261 तारीख 19-12-1964

(2) दूसरा " " " 2058 " 17-7-1965

(3) तीसरा " " " 304 " 28-12-1967

(4) चौथा " " " 2243 " 30-6-1979

(5) पांचवा " " " 4013 " 15-12-1979

[मं० एक० 10-6/80-ए०ए०] राम तिंह, अवर सचिव

MINISTRY OF RURAL DEVELOPMENT

New Delhi, the 7th July, 1982

S.O. 2511.—Whereas a draft of certain rules to amend the Tobacco Grading and Marking Rules, 1937, were published, as required by section 3 of the Agricultural Produce (Grading and Marking) Act, 1937 (1 of 1937), with the notification of the Government of India, Ministry of Rural Reconstruction, S.O. 1951, dated the 11th June, 1981, at page 2175, in the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 18th July, 1981, inviting objections and suggestions from all persons likely to be affected thereby, till the expiry of the period of 45 days from the date on which the copies of the Gazette containing the said notification were made available to the public;

And whereas, the copies of the said Gazette were made available to the public on the 21st August, 1981;

And whereas the objections and suggestions received from the public have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby makes the following rules to amend the Tobacco Grading and Marking Rules, 1937, namely:—

RULES

1. (1) These rules may be called the Tobacco Grading and Marking (Amendment) Rules, 1982.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Tobacco Grading and Marking Rules, 1937,—

(a) in sub rule (1) of rule 3, the following para shall be inserted at the end, namely:—

“The Tobacco may also consist of threshed lamina (Re-tipped) as defined in Schedule XXXVI”;

(b) the existing Schedule II-A shall be omitted;

(c) the existing “Schedule XXXVI” shall be renumbered as “SCHEDULE XXXVII”;

(d) after Schedule XXXV the following Schedule shall be inserted, namely:—

“SCHEDULE XXXVI

Grade designation and definition of threshed lamina derived from tobacco grown in India.

1. Threshed Lamina is derived from graded tobacco leaves of any variety and their hybrids, having similar characteristics, by threshing and shall consist of leaf tips obtained by cutting about 1/3 length of leaf and broken bits or pieces of varying lengths obtained by threshing the tipped leaf (remaining portion) mechanically.

2. Threshed lamina comprises of leaf tips and mechanically broken bits or pieces of lamina of varying lengths obtained from the tipped leaf subject to the following limitations, namely:—

(a) The size of leaf tips shall be between 76 to 152 mm. in length.

(b) The size of broken bits or pieces obtained from the tipped leaf shall be in between 6 to 152 mm. in length.

(c) The weight of leaf tips shall not exceed 25% (by weight) of total lamina.

(d) Threshed lamina shall contain a minimum of 70% (by weight) of pieces of over 13 mm. in length in the total product.

(e) Threshed lamina shall not contain more than 10% (by weight) of pieces of less than 6 mm. in size in the total product.

(f) The total stem in the threshed lamina shall not exceed 5% by weight of the total product.

3. The packing and export of threshed lamina is subject to the following conditions, namely:—

(a) The grade to be assigned for the threshed lamina shall be determined before the whole leaf is issued for threshing. The grade specifications applicable to the unmanufactured tobacco as laid down in respective Schedule shall be enforced before putting the tobacco in the threshing plant.

(b) Only tobacco inspected and approved for a particular grade shall be allowed for threshing in the presence of an inspecting officer and on the AGMARK label the words “Threshed lamina” shall be stamped in bracket alongside the grade designation mark.

(c) Graded “Threshed lamina” tobacco packages are subjected to usual check sampling and check inspection as in the case of Agmarked unmanufactured tobacco packages.

Notes :

(1) 1st amendment was published vide S.O. No. 4261, dated 19th December, 1964.

(2) 2nd amendment was published vide S.O. No. 2058, dated 17th July, 1965.

(3) 3rd amendment was published vide S.O. No. 304, dated 28th December, 1967.

(4) 4th amendment was published vide S.O. No. 2243, dated 30th June, 1979.

(5) 5th amendment was published vide S.O. No. 4013, dated 15th December, 1979.

[No. F. 10-6/80-AM]
RAM SINGH, Under Secy.

पर्यटन और नागर विमान संस्थालय

नई दिल्ली, 28 जून, 1982

का० आ० 2512—१८ जून, 1982 को प्रश्नाप्रिया का बोइंग 707 विमान वी टी ई. ए. जे. मिगापुर-कुलालम्पुर-भद्राम-बम्बई मार्ग पर अनुसूचित उडान ए. आई 403 का परिवालन करने हुए, जिस पर कमीशल के 12 भवस्या महित 111 व्यक्ति थे, प्रवर्तनरण करने समय बम्बई विमानक्षेत्र पर दृमत २० गया, जिसके परिणामस्वरूप 17 व्यक्तियों की मृत्यु गई;

ओर यह केन्द्रीय सरकार यह अनुभव करता है कि उक्त दुष्टना की परिस्थितियों की आपत्तिकारी जात करना बाधीय है;

प्रत. अब, वायुयान नियम, 1937 के नियम 75 द्वारा प्रवर्त नियमों का प्रयोग करने हुए, केन्द्रीय सरकार उन्द्रवारा निवेश करती है की उक्त दुष्टना की आपत्तिकारी जात की जाए।

केन्द्रीय सरकार उक्त जात करने के लिए अग्रेसरों के स्पष्ट में कार्य करने के लिए निम्नलिखित को भी नियुक्त करती है :—

(1) श्री एम० रामामृथम्, (मेवानिवृत) नागर विमानन के महानिवेशक

(2) ईस्ट ज० ई० जिजीना, (मेवानिवृत) धेवीय निवेशक, इंडियन प्यरलाइस

(3) कैप्टन क० सी० मेहरा, उप-निवेशक (परिचालन), इंडियन प्यरलाइस

(4) कैप्टन ज० एफ० राजी, निवेशक (प्रशिक्षण), केन्द्रीय प्रशिक्षण सम्पादन, इंडियन प्यरलाइस, हैदराबाद।

जानवर अदालत 30 मिस्रम्बर, 1982 तक अपनी जांच पर्ने कर सेगी और केंद्रीय सरकार को अपनी रिपोर्ट प्रस्तुत कर देगी।

जांच अदालत का सुधायालय बम्बई में होगा।

[फा० सं० एव्ह० 15013/5/82-ए]

एम० एकाप्परम्, निदेशक

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 28th June, 1982

S.O. 2512.—Whereas on 22nd June, 1982 an Air India's Boeing 707 aircraft VT-DJJ while operating scheduled flight AI-403 on the route Singapore-Kulala Lumpur-Madras-Bombay with 111 persons including 12 crew members, crashed at Bombay Airport during landing, resulting in the death of 17 persons;

And whereas it appears to the Central Government that it is expedient to hold a formal investigation into the circumstances of the said accident;

Now, therefore, in exercise of the powers conferred by Rule 75 of the Aircraft Rules, 1937, the Central Government hereby directs that a formal investigation of the said accident be held.

The Central Government is further pleased to appoint Shri Justice P. B. Sawant, Judge of the High Court, Bombay, to hold the said investigation.

The Central Government is also pleased to appoint :—

- (1) Shri S. Ramamirtham,
(Retired) Director General of Civil Aviation.
- (2) Capt. J. D. Jijna,
(Retired) Regional Director,
Indian Airlines
- (3) Capt. K. C. Mehra,
Deputy Director (Operation),
Indian Airlines
- (4) Capt. J. F. Ranji,
Director (Training),
Central Training Establishment,
Indian Airlines,
Hyderabad

to act as assessors to the said investigation.

The Court of Inquiry will complete its inquiry and make its report to the Central Government by 30th September, 1982.

The headquarters of the Court of Inquiry will be at Bombay.

[F. No. AV. 15013/5/82-A]

S. EKAMBARAM, Director

दिल्ली विकास प्राधिकरण

सार्वजनिक संचान

दिल्ली, 17 जुलाई, 1982

फा० आ० 2513 —केंद्रीय सरकार दिस्तुत थोंग डी-1 (कनाट प्लैन एवं इसका विस्तार) हेतु केंद्रीय विकास चिन्ह भू-नियन्त्रित संशोधन करने पर विचार कर रही है। इस प्रसारित संशोधन के मंधान में जिन किसी व्यक्ति को दोहरी आपत्ति या सुभाव देना हो तो वे अपने आपत्ति या सुभाव इस मंधान के 30 दिन के भीतर सचिव, दिल्ली विकास प्राधिकरण, विकास भीतार, इन्द्रप्रस्थ इंस्टेट, नियोग संस्थान के द्वारा दिल्ली के पास लिखित रूप में भेज दें। जो व्यक्ति अपनी आपत्ति या सुभाव दे, वे अपना नाम एवं पूरा पता लिखे :

नियोग :

“विस्तुत केंद्र डी-1 (कनाट प्लैन एवं इसका विस्तार) में ‘व्यवसायिक उपयोग (होटल)’ हेतु विरीदिंप्प थोंग में लगभग 0.921 हेक्टर. (2.227 एकड़) भूमि, जो उत्तर में ‘गार्जनिक एवं अद्वार्दी-जनिक स्विधाएं’ (ईस्टर्न कॉर्ट कम्पनेक्स)’ और सामने जनपथ (45.72 मी. लंड़ा मार्ग) से पिरी है, का भूमि उपयोग ‘व्यवसायिक (होटल)’ से बदलकर ‘सार्वजनिक एवं अन्य सार्वजनिक सुविधाएं (होटलीय तार कार्यालय)’ किया जाना प्रस्तावित है।”

2. उक्त थोंग के दौरान शनिवार को छोड़ कर और सभी कार्यशील दिनों में दि. वि. प्रा. के कार्यालय, विकास भीतार, इन्द्रप्रस्थ इंस्टेट, नियोग संस्थान का मानचित्र नियोग के लिए उपलब्ध होगा।

[संख्या एफ. 20(8)/79-एम ए.]

विकास भीतार,

इन्द्रप्रस्थ इंस्टेट,

नाथू राम, सचिव

नियोग के लिए प्रस्तावित संशोधन का मानचित्र दिल्ली विकास प्राधिकरण

नियोग के लिए प्रस्तावित संशोधन का मानचित्र

दिनांक 17-7-1982

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

Delhi, the 17th July, 1982

S.O. 2513.—The following modification, which the Central Government proposes to make to the Zonal Development Plan for Enlarged Zone D-I (Connaught Place and its extension) is hereby published for public information. Any person having objection or suggestion with respect of the proposed modification may send the objection or suggestion in writing to the Secretary Delhi Development Authority, Vikas Minar, Indraprastha Estate, New Delhi, within a period of thirty days from the date of this notice. the person making the objection or suggestion should also give his name and address :

MODIFICATION :

“The land use of an area, measuring about 0.921 Hec. (2.227 acres), out of the area earmarked for ‘Commercial’ use (Hqtel) in the Enlarged Zone D-1 (Connaught Place and its extension), located in the south of ‘Public & Semi-public facilities’ (Eastern Court Complex) and fronting on Janpath (45.72 metre wide road), is proposed to be changed from ‘Commercial’ (Hqtel) to ‘Public & Semi-public facilities’ (Central Telegraph Office).”

2. The plan indicating the proposed modification will be available for inspection at the office of the Authority, Vikas Minar, Indraprastha Estate, New Delhi on all working days except Saturdays, within the period referred to above.

Vikas Minar

Indraprastha Estate
New Delhi.

DATED, the 17-7-1982.

NATHU RAM, Secy.

Delhi Development Authority.

श्रम संकालय

आवेदन

नई दिल्ली, 21 मई, 1982

का० आ० 2518.—केन्द्रीय सरकार की राय है कि इसमें उपाधान अनुसूची में विनिर्दिष्ट विषय के बारे में मद्रास पोर्ट क्लीयरिंग एंड फार्वर्डिंग लेवर रेप्लेन आफ एम्प्लोयमेंट स्कीम के प्रबंधनत्व से सम्बद्ध एक श्रौद्धोगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है,

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहती है,

अब, केन्द्रीय सरकार, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-के और धारा 10 की उप-धारा (1) के अंडे (प) धारा प्रदत्त शर्कियों का प्रयोग करते हुए, एक श्रौद्धोगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एम० बी० रमन रेड्डी होगे, जिनका मुख्यालय हैदरगाहाद में दागा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुसूची

"यह मद्रास पोर्ट एंड डाक वर्कर्स कॉन्ग्रेस की मद्रास पोर्ट क्लीयरिंग एंड फार्वर्डिंग लेवर (रेप्लेन आफ एम्प्लोयमेंट) स्कीम, मद्रास के प्रधान श्री एम० राजगम की मिस्ट्री के रूप में नियोजन की मांग, अपौलोद्ध प्राधिकारी, मद्रास के तारीख 14 मई, 1973 के निष्कर्षों को द्यान में रखते हुए, न्यायोचित है? यदि हाँ, तो संबंधित कर्मकार किस अनुत्तोष का हकदार है?"

[मं० एल०-३३०१२/१/८० ई० IVए/खण्ड II]
टी० बी० सी० सारसन, ईस्क अधिकारी

MINISTRY OF LABOUR
ORDER

New Delhi, the 21st May, 1982

S.O. 2518.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Madras Port Clearing and Forwarding Labour (Regulation of Employment) Scheme and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication,

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Sudaisanam Daniel shall be the Presiding Officer, with headquarters at Madras, and refers the said dispute for adjudication to the said Tribunal.

SCHEME

"Whether the demand of the Madras Port & Dock Workers Congress regarding the employment of Sh. M. Rajangam under the Madras Port Clearing & Forwarding Labour (Regulation of Employment) Scheme, Madras, as Ministry, taking into account the findings dated the 14th May, 1973 of the Appellate Authority, Madras is justified? If so, to what relief is the workman concerned entitled?"

[No. L-33012/1/80/D-IV(A)/Vol. II]

आवेदन

नई दिल्ली, 9 जून, 1982

का० आ० 2519.—केन्द्रीय सरकार की राय है कि इसमें उपाधान अनुसूची में विनिर्दिष्ट विषय के बारे में विशाखापत्नम पत्तन न्याम के प्रबंधनत्व से सम्बद्ध एक श्रौद्धोगिक विवाद नियोजकों और उनके कर्मकारों के बीच विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहती है,

अब, केन्द्रीय सरकार, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-के और धारा 10 की उप-धारा (1) के अंडे (प) धारा प्रदत्त शर्कियों का प्रयोग करते हुए, एक श्रौद्धोगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री एम० बी० रमन रेड्डी होगे, जिनका मुख्यालय हैदरगाहाद में दागा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

अनुदूषी

यह विशाखापत्नम पत्तन न्याम के प्रबंधनत्व की उत्तराधान कर्मचारियों को जिनका नोक ममा के नुनाव के लिए सुट्टी होने के कारण 6 जनवरी, 1980 को मान्त्रालय कियोगम था, एक दिन की अनिवार्य मजूरी का मंदाय न करते की कार्रवाई न्यायोचित है? यदि नहीं, तो सम्बन्धित कर्मकार किस अनुदूष के हकदार हैं।

[मं० एल० ३४०११/४/८२-ची-४ (७)]

ORDER

New Delhi, the 9th June, 1982

S.O. 2519.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Visakhapatnam Port Trust and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which, Shri S. V. Ramana Reddy shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Visakhapatnam Port Trust in denying the payment of one day's extra wages to the Maintenance Staff, who get weekly off, on the 6th January, 1980, being holiday for elections to the Lok Sabha, is justified? If not, to what relief are the concerned workmen entitled?"

[No. L-34011/4/82-D.IV(A)]

New Delhi, the 30th June, 1982

S.O. 2520.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay in the industrial dispute between the employers in relation to the management of Messrs Chowgule Company Private Limited, Mormugao Harbour, Goa and their workmen, which was received by the Central Government on the 25th June, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT:

Shri M. A. Deshpande, Presiding Officer.

Reference No. CGIT-2/3 of 1980

PARTIES:

Employers in relation to the management of Messrs Chowgule and Company Private Limited, Mormugao Harbour, Goa.

AND

Their Workmen.

APPEARANCES:

For the Employers—Shri D. P. Sipha, Manager, Industrial Relations.

For the workmen—No appearance

INDUSTRY : Ports and Docks. STATE: Goa, Daman & Diu.
Bombay, dated the 14th June, 1982.

AWARD

By order No L-36012/2/79-D.IV(A) dated 5th March, 1980 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947:—

"Whether the management of Messrs Chowgule and Company Private Limited, Goa are justified in not implementing the recommendations of the Wage Revision Committee for port and dock workers in respect of Shri Dattatraya Bhagwan Patkar, Ex-Watchman, Mechanical Ore Handling Plant in Mormugao Harbour? If not, to what relief is the concerned workman entitled?"

2. The Goa Dock Labour Union who is espousing the cause of the workman Shri D. B. Patkar, by its statement of claim contends that at the time of settlement which was arrived at between the Union and the employers regarding the implementation of the recommendations of the Wage Revision Committee for Port and Dock workers, it was categorically agreed between the company and the Union that all the difference of arrears would also be paid to those who were no longer in service at the time of settlement and it is therefore contended that although at the relevant time, the workman in question was no longer in service, he having resigned from the service earlier, still on the basis of the understanding between the company and the Union, the benefits should have been extended to the said workman and hence insistence upon back arrears.

3. All these contentions have been refuted by the employer who pleads that Shri D. B. Patkar, the watchman, having resigned from the company's service from 15th September, 1975, after having put in seven years of service and being not in the service of the company by the date of settlement dated 27th September, 1977, whereby the company agreed to extend the benefits arising out of it to the existing permanent workmen on the date of settlement.

4. By the rejoinder identical questions have been reiterated points arise for determination:—

- (i) Whether the Union proves that there was a specific understanding between the company and the Union whereby the benefits of the settlement dated 27th September, 1979 whereby the recommendations of the Wage Revision Committee were to be implemented were to be extended to the ex-workman who no longer were in service of the company on the date of settlement? No
- (ii) If yes, whether Shri D. B. Patkar is entitled to receive arrears of wages by way of difference as claimed? No
- (iii) If not, is he entitled to any other relief? No

REASONS

6. Copy of the settlement on which reliance has been placed that is dated 27th September, 1977 between the Union on one hand and the company on the other has been furnished by the Union itself whereby in the opening part of the settlement namely Clause I it was agreed that the modification of the recommendations of the Wage Revision Committee in respect of the existing workmen of the company shall be implemented with retrospective effect from 1st January, 1974. Employees of the company naturally would be termed as existing workmen relying on which it is contended on behalf of the company that since the workman concerned had already resigned from service although he had put in seven years of service with the company and he being not on the pay rolls of the company on the date of settlement, although had he continued in the service he would

have been entitled to certain arrears, he lost them because of his prior departure from the company. There is great force in the contention of the employer particularly in the light of the terms of agreement or the settlement itself.

7. To overcome this difficulty an attempt was made on behalf of the workmen to rely on the above understanding. In the first place the terms of agreement below the same. Furthermore, there is absolutely no evidence to suggest that there was any understanding between the parties besides whatever was agreed upon or were reduced in writing, and on this ground the plea of the Union that the company had agreed to extend the benefits of recommendations of the Wage Revision Committee for Port & Dock Workers to ex-watchman also cannot be accepted. The result would be the first point has to be answered in native with the result the following also shall follow suit

Reference is rejected Award accordingly

[No. L-36012(2)/79-D.IV(A)]
M. A. DESHPANDE, Presiding Officer

S.O. 2521.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Food Corporation of India in relation to the Senior Regional Manager, Bombay and their workmen, which was received by the Central Government on the 25th June, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/20 of 1981

PRESENT:

Shri M. A. Deshpandt, Presiding Officer.

PARTIES:

Employees in relation to the Senior Regional Manager, Food Corporation of India, Bombay.

Vs.

Their workmen.

APPEARANCES :

For the Employers—Shri B. M. Masurkar, Advocate.
For the workmen—Shri S. R. Wagh, Advocate.

INDUSTRY : Food Corporation. STATE : Maharashtra
Bombay, the 9th June, 1982

AWARD

By order No. L-42012(7)/81-D IV(A), dated 21-8-1971 the Central Government has referred the following dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947:

"Whether the Senior Regional Manager (M), Food Corporation of India, Bombay is justified in not fixing the pay of Shri Y. K. Salunke, in the scale of pay for the post of Comptometer Operator viz. Rs. 150-10-300 (prerevised) with effect from the 1st March, 1961? If not, to what relief is the concerned workman entitled?"

2. Though there was an objection based on the rejection of the Special Civil Application filed by the employee, but I have gone through the copy of the petition and I have found that there he was claiming the right of pay of Comptometer, which was rejected but here the claim is something different and therefore the rejection of the said petition did not bar the present reference.

3. Without narrating the pleadings of the parties, the facts as emerged from the written statements and rejoinder are that Shri Y. K. Salunke joined the office of the Regional

Director (Food) as a Comptist from 25-3-1966 in the grade of Rs. 110-3-131-4-155-5-175-EB-5-180 and over and above the grade pay, he was paid Rs. 15 as Machine Allowance. This was continued till 1-3-1969 on which day the services of Shri Salunke stood transferred to the Food Corporation of India under Section 12(4) of the Food Corporation of India Act, 1964. There was some option resting with the employees so transferred. Accordingly Shri Salunke opted the scale under the Food Corporation of India which scale was Rs. 120-10-240 and with effect from 1-3-1969 his pay was fixed at Rs. 150. It so happened that there was no post of either of a Composit or Comptometer Operator under the Food Corporation of India and therefore Shri Salunke was put in the grade of a Junior Clerk which grade was known as AG-III subsequently.

4. After the introduction of the Staff Regulations with effect from 8-5-1971, when for the first time the post of Comptometer Operator was created, the employee was put in the grade of Rs. 150-10-300 and his pay was fixed at Rs. 190 and as on 1-1-1973 his pay was fixed at Rs. 210, by order dated 18-9-1973 (Ex. A-6). However, subsequently the said order was modified by order dated 6-12-1973 (Ex. A-7) whereby the pay was fixed at Rs. 170 from 8-5-1971 and Rs. 190 from 1-1-1973.

5. The first contention of the employee is that the effect to the pay fixation under the Staff Regulation should not have been from 8-5-1971 but from 1-3-1969 and in support of this contention it is pleaded that right from the time he joined in the office of the Regional Director (Food) and also from the date his services were transferred to the Food Corporation of India on 1-3-1969 and till the regulations were made applicable on 8-5-1971, he was doing the same type of duty whether he was termed as Comptist till 8-5-1971 or Comptometer Operator from that date or he was put in AG-III grade and from 1-3-1969 to 8-5-1971 the nature of work performed by the employee remained unaltered. It was therefore contended that by not giving effect to the new scale of pay after the introduction of regulation from 1-3-1969, the food Corporation has discriminated and in support of it my attention is drawn to Ex. A-10 where the cases of Shed Supervisors have been dealt with. However his comparison cited in support of the employee concerned disproves his case. No doubt it is true the grades of Shed Supervisors were initially AG-III, which is changed to AG-II. However while effecting the change, if the arguments advanced on behalf of Salunke is accepted, even in their case, they should have been placed from 1-3-1969 but it has not so happened but the change in their case was with effect from 23-10-1969, in other words there is some discretion in the Food Corporation of India entitling them to give effect to not from the date when the transfer took place but from the subsequent date, which in case of Salunke stood as 8-5-1971 while in the case of Shed Supervisors from 23-10-1969.

6. Once the right of the Food Corporation of India and the discretion vested in them are recognised, then merely because the effect was given from 8-5-1971 inserted of 1st March, 1969, the said order cannot be quashed on the ground of discrimination as tried to be pleaded on behalf of the employee. Excepting, pointing out the cases of Shed Supervisors since no other case has been made out as to how the choice 1-3-1969 and not from 8-5-1971 when the regulations were made applicable, the case in this reference cannot be accepted.

7. There is however one injustice caused to the employee. We have already seen from Ex. A-6, that from 8-5-1971 the pay of Shri Salunke, Comptometer Operator was fixed at Rs. 190 in the grade of Rs. 150-10-300 and pay as on 1-1-1973 was fixed at Rs. 210. However because of the direction received from the Head Office by communication dated 6-12-1973 the reduction in pay was effected and his pay was fixed at Rs. 170 with effect from 3-5-1971 and as on 1-1-1973 at Rs. 190. we have already seen that Shri Salunke was put in Grade AG-III when his services were transferred from the Regional Director (Food) to the Food Corporation of India while after introduction of regulations he was put in the grade of AG-II. To distinguish the case of Shri Salunke, it was urged on behalf of the Food Corporation of India that prior to 8-5-1971 there was no post of Comptometer Operator and therefore it cannot be treated as a promotion attracting Regulation 82, but it was a fresh appointment. I cannot accept this argument. We have already seen that Shri Salunke was put in the grade AG-III

and then he was put in the grade AG-II. It means that it was a promotion. The Food Corporation of India will not be allowed to say that on 8-5-1971 a fresh post was created. On the contrary the record speaks that he, who was working as Comptist initially without change in the designation was put in the Grade AG-III when in fact a Comptist was to get something higher and then from 8-5-1971 the designation was changed to Comptometer Operator when he was put in the grade AG-II. On the one hand there is reduction in the designation while on the other he is denied his legitimate dues on promotion by operation of regulation No. 82. This is sheer injustice done to the employee and therefore the order dated 18-9-1973 must stand and not the order dated 6-12-1973. It is therefore hereby directed that Shri Y. K. Salunke's pay as on 8-5-1971 is to be fixed at Rs. 190 and all the subsequent benefits should be given to him accordingly.

Award accordingly.

[No. L-42012(7)/81-D.IV(A)]
M. A. DESPANDE, Presiding Officer.

New Delhi, the 1st July, 1982

S.O. 2522.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Kandla Port Trust, Gandhidham (Kutch) and their workmen which was received by the Central Government on the 25th June, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2, BOMBAY

Reference No. CGIT-2/10 of 1980

PRESENT :

Shri M. A. Deshpande, Presiding Officer

PARTIES :

Employers in relation to the management of Kandla Port Trust, Gandhidham (Kutch)

AND

Their workmen.

APPEARANCES :

For the Employers—Shri S. C. Borkar, Advocate.

For the workmen—Shri M. P. More, Advocate.

INDUSTRY : Ports and Docks

STATE : Gujarat

Bombay, the 8th June, 1982

AWARD

By their order No. L-27012/1/79-D.IV(A) dated 24-4-1980 the Central Government has referred the following dispute for adjudication under Section 10(1)(J) of the Industrial Disputes Act namely :—

"Whether the action of the management of Kandla Port Trust in terminating the services of Shri S. J. Joseph, Cleaner, with effect from the 30th November, 1978 is legal and justified ? If not, what relief is the concerned workman entitled to?"

2. It seems that in his attempt to clean the workshop where the workman—Cleaner was working the employee lost his mooring so much so that one morning his name was added to the list of unemployed. The concerned workman, the record speaks, was in the service of Kandla Port Trust as a Cleaner for almost seven years. On 20-8-1977 the workman presented an application to the Chief Mechanical Engineer Vigilance Officers, Kandla Port Trust reporting various alleged corrupt practices prevailing in the Auto Workshop and indulged in by his colleagues and supervisors, and copies of which representation were sent to the Chairman, Kandla Port Trust, the Labour Commissioner and the

Hon'ble Labour Minister. The grievance of the workman-cleaner was that repairs unduly take great time disproportionate to the requisite time with result that Port Trust were required to pay overtime allowance. He also complained against the alleged highhanded conduct of his colleagues, and their incapacity to carry out repairs which the workman claimed to have carried out himself, loss of tools and other materials and the favouritism shown by the supervisors to some of the workmen.

3. Since several allegations were made by the workman concerned, a preliminary enquiry was ordered which was undertaken by Shri I. D. Valechha, who during the preliminary enquiry, recorded the statements of Sarva Shri Kantilal Joshi, Ravji M. A. K. Lahori and Keshavaji and ultimately submitted a confidential report refuting all the allegations made by the cleaner. At the relevant time Shri Valechha was Executive Engineer (Mechanical), Kandla Port Trust. On receipt of the said report, the Chief Mechanical Engineer by his letter dated 29-10-1977 placed the cleaner under suspension and ordered domestic enquiry and workman was suitably informed by the management on 11-11-1977. The charge levelled against the workman was that while functioning as a cleaner in Mechanical Division during February, 1977 to August, 1977 Shri S. J. Joseph failed to maintain devotion to duty and misconducted himself, the annexed to which there was a statement of allegations which spiced that in the representation made by the cleaner dated 20-8-1977 he made sweeping allegations of corruption, favouritism and negligence against the officers, supervisory staff and other staff and also used derogatory and insulting language in the said representation against his superiors. It was contended in the statement of allegations that on enquiry into the allegations specified by the workman it was found that the allegations made by him were baseless, and lastly it was stated from the above things it was evident that the workman had failed to maintain devotion to duty and has misconducted himself in making false allegations against his superiors in a derogatory language.

4. When the notice was served on the workman, by his communication dated 1-12-1977, all the charges were denied. At about the same time, on 4-1-1978 Shri C. B. Patel was appointed as Enquiry Officer by the Chief Mechanical Engineer and Shri I. D. Valechha, Executive Engineer (Mech.) who, as we have seen, carried out the preliminary enquiry, was to act as presenting Officer. How because the two orders were simultaneous, there seems to be some confusion in the mind of the workman which is patent from his letter dated 22-4-1978. In reply to the management's letter dated 18-4-1978. On 27-4-1978 the Cleaner submitted a long statement pointing out the alleged irregularities to which the management gave a short reply on 29-4-1978. From the record it appears that the workman wanted an outsider to help him in his defence, either by an advocate or the Secretary of the Union, and suitably requested the management, which request was turned down and he was told to seek the help of a co-employee working in the department.

5. On 25-4-1978 the enquiry commenced by recording the evidence of the workman when he complained that it was not possible for him to understand the allegations as well as the charge framed against him and he would like to consult a social worker or secretary of the Union at the same time he denied all the allegations. Barring attending before the Enquiry Officer on this date the workman never appeared during the course of enquiry and almost boycotted the enquiry with the result that the statements of witnesses namely S/Shri Ravji, M. Keshavaji B. A. K. Lahori, Kantilal U. Joshi and Assistant Engineer Shri D. K. Alimohandani as well as Shri I. D. Valechha were allowed to go unchallenged. Now because of the unchallenged evidence of these witnesses as well as other material namely the papers of preliminary enquiry, the Enquiry Officer concluded his finding against the workman and submitted his report holding all the charges established. The conclusion to which the Enquiry Officer arrived at was that Shri Joseph, Cleaner indulged himself in making baseless allegations of corruption, favouritism and negligence against the officers and staff and also used derogatory and insulting language against his superiors and thus failed to maintain devotion to duty and misconducted himself.

6. On receipt of this adverse report, the competent authority issued a show cause notice which was replied, but ultimately by order dated 30-11-1978, the Chief Mechanical

Engineer, Kandla Port Trust in exercise of the powers conferred on him by Regulation 10(vi) of the Kandla Port employees (Classification, control and appeal) Regulations, 1964 ordered removal of the workman from the service of the Port Trust with immediate effect and this order is the subject matter of the present reference.

7. The workman himself led statement of claim in support of the reference where he claims to belong to Class III service and pleads that since no adverse remarks were anytime communicated to him; the record of service must be deemed to be clean. He complains of victimisation and harassment and also complains of denial of opportunity in pleading his cause. He also complains that the Enquiry Officer having not allowed him to appoint the Secretary of the Workers' Union to defend him as other co-employees refused to appear on his behalf, it amounted to denial of opportunity to defend the cause. There are also other grounds which is the claim statement which seems to have been drafted by the workman himself contending all irrelevant matters and therefore not referred to.

8. The Employers have put in written statement whereby they justify the removal from service which notion according to them was taken after following the requisite procedure laid down in the regulation.

9. In view of the nature of the dispute the issue to be considered are:—

(i) Whether the workman was denied proper

Yes

opportunity to defend himself during the enquiry.

(ii) If yes whether the finding arrived at by the

No

Enquiry Officer would be valid and legal?

(iii) Whether the charges were established to

No

the satisfaction of this Tribunal?

(iv) Whether the order of punishment is dis-

Yes

proportionate to the charges alleged to have been proved?

REASONS

10. The records speak that despite repeated notice to the workman and despite his statement on 25-4-1978, he never remained present during the enquiry and almost boycotted it. It was urged, when the workman was asking for copy of preliminary enquiry report or copies of the statement recorded by Shri Valachha, on such copies were furnished with the result, it is alleged, the workman was handicapped in his defence and therefore no purpose would have served by remaining present and in these circumstances no adverse inference should be drawn nor any conclusion based on the ground that the evidence remained unchallenged should be drawn. So far as copies are concerned in the light of the Kandla Port Employees (Classification, Control and Appeal) Regulations, 1964, if he was not furnished with the copies, at the same time permitted to inspect and take extracts, the ground pleaded is not available.

11. The workman says that he was not allowed to be defended by the Union Leader of his choice and when no workman-co-employee was prepared to defend him, it amounted to victimisation. In this connection what I find is that at the very inception during the enquiry, when the statement of the workman was recorded, he was seeking assistance of an outsider but it was the Enquiry Officer himself who turned down the request. The Enquiry Officer appointed to conduct the enquiry by the Chief Mechanical Engineer could not have been vested with the powers of disciplinary authority and therefore if there was a request to grant assistance of an outsider particularly when the enquiry indicate that the conclusions if gone against the workman were to result in his discharge or dismissal the Enquiry Officer himself should not have taken the decision one way or other and should have left it to the disciplinary authority. Under Regulation 12(6) employee may present his case with the assistance of any other employee but may not engage a legal practitioner for

the purpose unless the person nominated by the disciplinary authority is a legal practitioner, or unless the disciplinary authority, having regard to the circumstances of the case, so permits. The final word, therefore, whether the permission was to be granted, was vested with the Disciplinary authority that is the Chief Mechanical Engineer. Without consulting him, the Enquiry Officer on his own seems to have turned down the request of the workman to appoint an outsider for his defence. He was pleading that no co-employee was coming forward to defend him. He was not asking for help of any Advocate but suggested the name of the Union Secretary and when no employee was prepared to defend, there is no reason why this contention of the workman should be disbelieved, it was incumbent on the Enquiry Officer to arrange for proper defence, atleast not to pass any order but seek orders from the disciplinary authority, or directed the workman to approach the said authority. Having failed to do so, the grievance of the workman that proper opportunity was denied carries sufficient force.

12. By the complaint dated 20-8-1977, the workman reiterated certain alleged mal-practices, to the Chief Mechanical Engineer and Vigilance Officer. He believed that certain corrupt practices were prevailing and that there were some illegal dealings of the property of the Port Trust occasioned by the misconduct of the workman. It is not that he preferred anonymous application, or that he approached the newspaper etc. or aired his grievance outside the Port Trust. We find that Kandla Port Employees Regulations does not permit criticism of the Board or Government or both, by any employee, either in a radio broadcast or in any document published anonymously or in his own name or in the name of any other person or in any communication to the press or in any other public utterance. The workman had not done anything like this but had narrated what according to him was happening, to the superior officer. In this case it is pertinent to note that though the workman was in the service of the Port Trust for seven years, till the time this complaint was made, there is nothing on record to prove that co-employees or co-workman had come forward with any grievance against the cleaner. Assuming that being a Class IV employee, no confidential remarks are required to be submitted every year, had the workman been really contentious or of fighting nature or behaving rudely or arrogantly, at one stage or the other, some grievance would have emerged either from the colleagues or from the superiors officer, but it was only for the first time that too when he reported the matter to the superior Officer, that the persons against whom the complaint was made, started describing him to be rude and arrogant and lacking devotion to duty etc. The total absence of any such complaint in the past, will have to be taken into account while appreciating the evidence of witnesses.

13. No doubt it is true that the evidence of witnesses remained unchallenged and uncross-examined, but this however was not on account of fault of the workman but because, as we have already seen, he denied the right of representation by the representative of his choice, the decision taken by the Enquiry Officer and not by the competent authority. No such capital therefore can be made of the absence of cross-examination.

14. What were the grievances then. The first was that unnecessary overtime allowance was claimed and paid, that superiors were not taking proper action, that attention was paid to the vehicle sold away, that property like Jack, waste cotton were allowed to be pilfered and that some of the workers were allowed to come late but such facility was denied to the other workmen. Regarding his grievance, apart from the statements of the workman concerned there is no evidence to show that the work on break-line really requires more than 3-4 hours and therefore, even if the concerned workman have denied the same, no much reliance can be placed thereon. When it was stated that the Jack was removed from the vehicle for the use of workshop it and pre-supposes that the gadget was removed vehicle itself and it was said that workmen who were coming late were required to work 15 minutes late but the fact remained that they were allowed to come late, that when the workman required spanner he was not given the same. All these admissions even in the unchallenged testimony show that if the workman believed in a particular manner, the allegations cannot be said to be sweeping as to render him guilty of misconduct. There is great substance in the plea of the workman then to be genuine and therefore he approached

the higher authority. About the rude and arrogant behaviour told by one and all, we have already seen that this grievance has a recent origin, namely the date of complaint.

15. Merely because the witnesses reiterated and denied certain allegations, the Enquiry Officer seems to have arrived at the conclusion, but he did not pay attention to other features already discussed, especially the clean record atleast for seven years. I cannot believe for a moment that had the workman been really of arrogant character and rude to the superiors, such a person would have been tolerated for such a long time, during which period once he was promoted to the post of a Driver. There is nothing to show as to how in his case the reversion took place, whether because of his incompetency or because of the shrinkage of cadre. The workman claims that defects which his colleagues could not rectify were rectified by him, to which the answer of his colleagues was he has no knowledge of working of automobiles since he was only a cleaner, which reply of Shri Kantilal Joshi if workman also acted as a driver, can never be believed.

16. On going through the entire evidence and on going through the sequence of events and going through the report of the Enquiry Officer, I am convinced that the salient features of the case were overlooked and the Enquiry Officer came to a wrong conclusion about the proof of the alleged baseless complaint, etc. and when viewed accordingly the evidence recorded during the enquiry cannot be said to prove the charges at all apart from whether proper opportunity was given or not.

17. Even regarding the punishment though the fact as emerged is that the punishment was reduced to removal, the effect was the same. The workman lost his service which is a punishment drastic even than rigorous imprisonment for life, because when the break earner losses his job, not only he suffers but the entire family. Kandla Port Trust Regulations speak of various modes of punishment. In my view even if the findings of the Enquiry Officer would have been accepted, the punishment of removal would not have been said to be proportionate, it must be held to be disproportionate to the act of complained of.

18. About the punishment it is well settled law that in a reference under Section 11A the Tribunal can interfere with the order or punishment in once it is found to be harsh. It is so held in the workman of M/s. Firestone Tyre and Rubber Co. of India Pvt. Ltd. and the Management and others, 1973 (I) LII, page 278 assuming that all the conclusion arrived at by the Enquiry Officer were correct, still at best punishment of demotion censure, stoppage of increment would have not the ends of justice but not the order of removal from the service.

19. Even after arriving at this conclusion I am not prepared to order reinstatement. At the time of arguments it was tried to be pleaded that because he was a Christian, non-Christians joined hand to victimise him, a case not even made out by the workman at the time of enquiry, but it shows that to what extent the workman can and is capable to raise the communal bogie. I do not think that a person of much nature with communal frame of mind would preserve peace in the industry. Similarly considering the other circumstances I ; compensation and not the order of reinstatement would be just. Hence the order.

ORDER

1. The removal of Shri S. J. Joseph from service is held to be not justified. However, no relief of reinstatement can be ordered. The workman shall be paid compensation by way of arrears of salary from 1-12-1978 till the date of this Award. No order as to costs.

M. A. DESHPANDE, Presiding Officer

[No. L-37012(1)/79-D.IV(A)]

T. B. SITARAMAN, Desk Officer

New Delhi, the 30th June, 1982

S.O. 2523.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby publishes the following award of the Central Government Industrial Tribunal No. 3, Dhanbad in the industrial dispute between the employers in relation to the management of S. S. Devi Jambad Unit of Jambad Colliery of Kajora Area of Eastern Coalfields Limited and their workmen, which was received by the Central Government on the 26th June, 1982.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO. 3, DHANBAD

Reference No. 97/80

PRESENT :

Shri J. N. Singh,

Presiding Officer.

PARTIES :

Employment in relation to the management of S. S. Devi Jambad Unit of Jambad Colliery of Kajora Area of Eastern Coalfields Ltd.,

AND

Their workmen

APPEARANCES :

For the Employers—Shri N. Das, Advocate.

For the Workmen—None.

INDUSTRY : Coal

STATE : West Bengal.

Dated, the 21st June, 1982

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s 10(1)(d) of the Industrial Disputes Act, 1947 referred the dispute to the Central Govt. Industrial Tribunal-cum-Labour Court, Calcutta. Subsequently by Order No. S-11025(4)/80-D.IV dated 14th/17th November, 1980 the dispute has been transferred to this Tribunal for adjudication.

SCHEDULE

"Whether the action of the management of S. S. Devi Jambad Colliery (at present a unit of Jambad Colliery under Parascole Sub-Area of Kajora Area of Eastern Coalfields (Ltd.) in not absorbing in employment Sarvashri Munshi Tewari and Jangsher Singh, Night Guards, when the colliery was nationalised and taken over, was justified? If not, to what relief are the concerned workmen entitled and from which date?"

2. On 12-2-1982 as none was present a notice was issued to both the parties directing them to come ready for hearing of the case on merits on 26-3-1982. On 26-3-1982 the Dy. Personnel Manager of the management was present but the union filed a petition for time on medical ground. The case was adjourned to 21-4-1982. On that date also a time petition was filed on behalf of the union and as the case had become very old being of the year 1979 the parties were directed to come ready for hearing on 8-6-1982 at Asansol. On 8-6-1982 also the union absented themselves inspite of the date of hearing known to them and no intimation was even sent by them.

3. In such circumstances there was no alternative but to dispose of the case by giving a 'no dispute' award as the union were not taking any interest in the case.

4. In the circumstances a 'no dispute' award is passed.

J. N. SINGH, Presiding Officer.
[No. L-19012(48)/75-DIV(B)]
S. S. MEHTA, Desk Officer.

New Delhi, the 30th June, 1982

S.O. 2524.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Bombay, in the industrial dispute between the employers in relation to the Maharashtra

Employees State Insurance Corporation, Bombay and their workmen, which was received by the Central Government on the 26th June, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 1 AT BOMBAY

PRESENT :

Justice M. D. Kamblu Esqr., Presiding Officer.

Reference No. CGIT 1 of 1980

PARTIES :

Employers in relation to the Maharashtra Employees' State Insurance Corporation, Bombay.

AND

Their Workmen

APPEARANCES :

For the Employer.—Mr. H. V. Mehta, Advocate.

For the Workmen.—Mr. C. S. Mirands, Treasurer.

INDUSTRY :

Insurance

STATE :

MAHARASHTRA

Bombay, the 15th June, 1982

AWARD

The Government of India, Ministry of Labour, by order No. L-15012(1)/79-D. II(8) dated 20th February, 1980, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, have referred to this Tribunal for adjudication an industrial dispute between the Employers in relation to the Maharashtra Employees' State Insurance Corporation, Bombay, and their workmen in respect of the matters specified in the schedule mentioned below :—

SCHEDULE

"Whether the action of the management of the Regional Director, Maharashtra Employees' State Insurance Corporation, in terminating the services of Shri G. M. Ibrahim, Lower Division Clerk, without giving him relief in accordance with provisions of Section 25F of the Industrial Disputes Act was justified? If not, to what relief is the said workman entitled?"

2. The workman G. M. Ibrahim was employed as Lower Division Clerk in the employer-corporation. His first appointment was at Akola from 21-6-1977 to 19-11-1977. The second period of his service under the employer-corporation was from 13-12-1977 to 12-6-1978 at Nagpur. His third period of service was from 14-6-1978 to 30-6-1978. Thus, he completed his service for about 351 days in the offices of the employer-corporation. The workman in his statement of claim contends that he had completed service in the employer-corporation for more than 240 days as required under Section 25-B of the Industrial Disputes Act, 1947. He was, therefore, entitled to the notice pay and retrenchment compensation as provided in Section 25-F of the said Act. As the employer had not complied with the provisions of Section 25-F of the Industrial Disputes Act, the termination of his services by the employer's order dated 30-6-1978 was illegal and invalid in law. According to the workman, the relationship of the employer and the employee continued and he is entitled to reinstatement with continuity of service and full back wages from the date of retrenchment to the date of reinstatement.

3. The employer-corporation by its written statement contended that it was a statutory body owing its existence to the Employees' State Insurance Act, 1948. The Corporation can make regulations about the method of recruitment, pay and allowances, and other conditions of service of the Officers and servants of the Corporation, other than principal Officers,

By virtue of these powers the Corporation has framed regulations viz. Employees' State Insurance Corporation (Recruitment) Regulations, 1965, and the recruitment is mainly done according to these regulations. The employer-corporation contended that the workman was appointed as Lower Division Clerk on purely temporary and ad-hoc basis. As per Regulation 21(2)(f) of the Recruitment Regulations, there is a condition of passing the Open Competitive Test for the appointment of Lower Division Clerks. Sometimes, if the qualified candidates are not readily available, the posts are filled up on purely temporary and ad-hoc basis by calling the candidates from the Employment Exchange. However, they have no right to continue in the Corporation unless they pass the aforesaid test. As the workman did not pass the test he had no right to continue and his services were liable to be terminated in any time without any notice and without assigning any reason. The workman was continued in the service till a qualified candidate was available. No sooner such a candidate was available the services of the workman were terminated as per rules. It was contended that as the terminations of service is as per the agreement specifying and the date of termination, no compensation payable in the light of proviso to Section 25-P(a) of the Industrial Disputes Act. The workman, therefore, is not entitled to any relief as claimed by him.

4. Now, it is not in dispute that the services of the workman were terminated on 30-6-1978. It is also not in dispute that before this date of termination, the workman had put in service 351 days i.e. more than 240 days. By virtue of the provisions in Section 25-B of the Industrial Disputes Act, the workman, therefore, shall be deemed to be in continuous service for a period of one year. Now, it is not in dispute that the provisions in Section 25-F(2) were not complied with. The workman was not given one month's notice nor he was paid in lieu of such notice wages for the period of the notice. It is, therefore, contended for the workman that the order of termination of his services is illegal, invalid and inoperative. As against this, it was contended very strenuously for the employer-corporation, by the learned counsel Mr. Mehta that the services of the workman were temporary. The workman had not passed the qualifying test to enable him to continue in the service. The termination of the services of the workman, therefore, was perfectly justified. It is contended that no retrenchment compensation was payable to the workman.

5. Now, the first letter of appointment of the workman is dated 16-6-1977 (exhibit W-1). It is stated there that the appointment will last upto 12-9-1977 after which date unless the tenure of appointment was extended, his services will stand terminated automatically without giving him any further notice. The workman was further continued upto 19-11-1977. He thus worked at Okola from 21-6-1977 to 19-11-1977. The services of the workman were terminated under the letter of the Manager, Local Office, Akola, on 21-11-1977. The second letter of appointment by the employer-corporation is dated 18-1-1978 under which his appointment made a few days earlier i.e. from 13-12-1977 was approved. It was stated in this letter that this appointment had been made on a purely temporary and ad-hoc basis and will last upto 31-5-1978 after which date unless the period of appointment was extended his services were liable to stand terminated automatically. By the employer's letter dated 31-5-1977 the services of the workman were terminated from 12-6-1978. Again under letter dated 6-6-1978 the workman was offered a purely temporary post of Lower Division Clerk and this appointment was to last upon 31-10-1978 after which date unless the tenure of appointment was extended his services were liable to stand terminated automatically without giving him any notice. It appears that the workman accepted this offer and he was posted again at Nagpur as Lower Division Clerk on 14-6-1978. However, the Deputy Regional Director of the employer-corporation by his letter, dated 30-6-1978, terminated the services of the workman with immediate effect.

6. The question for consideration is whether the workman was entitled to retrenchment compensation and if no retrenchment compensation was paid to him at the time of retrenchment as required under Section 25-F(b) of the Industrial Disputes Act, the termination of his services was illegal and

invalid. Now, the expression "retrenchment" has been defined in Section 2(oo) of the Industrial Disputes Act. It is provided there :

"retrenchment" means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—

- (a) voluntary retirement of the workman; or
- (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf, or
- (c) termination of the service of a workman on the ground of continued ill-health.

7. Reliance is placed on behalf of the workman on the decision of the Supreme Court in State Bank of India v. N. Sundaramoney (1976 I. L.L.J. 478). It was observed there that "termination for any reason whatsoever" were the key words in Section 2(oo) of the Industrial Disputes Act. Whatever the reason, every termination spells out retrenchment. A termination is where a term expires either by the active step of the master or the running out of the stipulated term. The Supreme Court observed that the termination embraces not merely the act of termination by the employer, but the fact of termination, however, produced. It was observed :—

"To write into the order of appointment the date of termination confers no moksha from Section 25-F(b) is infavourable from the proviso to Section 25-F(1)".

The Supreme Court repelled the contention that automatic extinguishment of service by effluxion of time did not an amount to retrenchment.

8. Mr. Mehta for the Corporation submitted that the workman could not be retained in service as he did not pass the departmental examination as required by the Regulations from by the corporation. His termination was, therefore, justified. He relied upon the decision of the Orissa High Court in the case of Purna Chandra Giri v. Orissa Khadi and village Industries Board (1981 I. L.L.J. p. 411). It was held in that case that the termination being in terms of the Service Regulations, it did not amount to retrenchment and that therefore there was no necessity for complying with the provisions of Section 25-F. In coming to that conclusion the Orissa High Court tried to take support from the decision of the Supreme Court in the case of Hariprasad Shivshankar Shukla v. A. D. Divikar (A.I.R. 1959 S.C. 121).

9. Mr. Mehta for the corporation submitted that as per Regulation 21(2)(f) of the Recruitment Regulations of the Corporation, there was a condition of passing the Open Competitive Test for the appointment of Lower Division Clerks. Sometimes, if the qualified candidates who have passed such tests are not readily available, the posts are filled upon purely temporary and ad-hoc basis. Obviously, such persons have no right to continue in the Corporation unless they pass the aforesaid test. Their services are likely to be terminated, no sooner the qualified candidates are available. Mr. Mehta submitted that the case of the workman in this Reference was of that type. Mr. Mehta contended that the workman could no continue in the services of the Corporation, after the qualified candidate was available. No sooner such a qualified candidate was available the services of the workman were terminated as per rules.

10. Now, the Supreme Court in the case of Santosh Gupta v. State Bank of Patiala (1980 I.L.C. p. 687) has again laid down that the expression "termination of service for any reason whatsoever" in Section 2(oo) covers every kind of termination of service except those not expressly included in Section 25-F or not expressly provided for by other provisions of the Act such as 25-FF and 25-FFF. In that case the Supreme Court observed :—

"In our view if due weight is given to the words "the termination by the employer of the service of a workman for any reason whatsoever" and if the words "for any reason whatsoever" are understood to mean what they plainly say, it is difficult to escape the conclusion that the expression 'retrenchment' must include every termination of the service of a workman by an act of the employer."

In that case the workman was discharged from the services on the ground that she did not pass the test which would have enabled her to be confirmed. The Supreme Court held that the termination amounted to 'retrenchment' within the meaning of Section 2(oo) and, therefore, the requirements of Section 25-F had to be complied with. In view of the observations of the Supreme Court in the case of *Santosh Gupta (Supra)* and other cases it is difficult to rely upon the decision of the Orissa High Court in the case of *Purna Chandra Gupta (supra)* and to hold that the termination of the services of the workman in this case did not amount to retrenchment.

11. The services of the workman were terminated on 30th June 1978. Despite the breaks in service the workman had admittedly worked for more than 240 days in the year preceding 30-6-1978. The workman might have worked at Akola and Nagpur during this period. However, those are the Branch Offices of the Corporation and the appointment orders, on all the occasions, were issued from the Regional Office of the Corporation at Bombay. The appointment was, therefore, under the Corporation though the workman was asked to serve for sometime at Akola and for sometime at Nagpur. According to the workman, the termination of his services was retrenchment within the meaning of that expression in Section 2(oo) of the Industrial Disputes Act, 1947, since it did not fall within any of the excepted cases mentioned in Section 2(oo). It must be held on the facts of the case that the termination of the services of the workman amounted to retrenchment and as there was no compliance with the provisions of Section 25-F of the Industrial Disputes Act, the retrenchment was bad and invalid.

12. The next question for my consideration is whether the workman should be reinstated. If the discharge of a workman from service is bad reinstatement is the rule. However, in appropriate cases instead of ordering reinstatement the Tribunal can order the payment of monetary compensation if the case presents unusual or exceptional features. The decision of the Supreme Court in *Gujarat Steel Tubes Ltd. v. Its Mazdoor Sabha (1980 L.I.C. 1004)* can be referred to in this case with advantage.

13. Now, in the instant case the workman was employed to a purely temporary post of a Lower Division Clerk. Under letter dated 6-6-1978 the workman was informed that his appointment was to last upto 31-10-1978 after which date unless the tenure of appointment was extended his services were liable to stand terminated automatically without giving him any further notice. On the basis of this stipulation the services of the workman were ordinarily liable to be terminated on 31-10-1978. It is not the case of the workman that he had passed the requisite test to enable him to continue in the employment of the Corporation. Taking into consideration all these circumstances, I think instead of ordering reinstatement, the ends of justice would meet if the workman is given a compensation equivalent to six months' pay and allowances, if any.

14. In the result, I find that the termination of the services of the workman, G.M. Ibrahim, without giving him relief in accordance with the provisions of Section 25-F of the Industrial Disputes Act was not justified. Having regard to the special circumstances of the case, no reinstatement in my opinion should be ordered. Instead, the workman should be given compensation equivalent to six months' pay and allowances, if any.

15. Award accordingly. No order as to costs.

M. D. KAMBLI, Presiding Officer
[No. L-15012(1)/79-DIL(B)]

A. K. SAHA MANDAL, Desk Officer.

New Delhi, the 30th June, 1982

S.O. 2525.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Kustore Colliery of Messrs Bharat Coking Coal Limited Post Office Kustore, District Dhanbad, and their workmen which was received by the Central Government on the 28th June, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD
Reference No. 70 of 1981

PRESENT:

Shri J. P. Singh, Presiding Officer.

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947

PARTIES:

Employers in relation to the management of Kustore colliery of Messrs Bharat Coking Coal Limited, Post Office Kustore, District Dhanbad and their workmen.

APPEARANCES:

On behalf of the employers—Shri B. Joshi, Advocate.
On behalf of the workmen—None.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, the 24th June, 1982

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its order No. L-20012/174/81-D.III. (A) dated 14th October, 1981 has referred this dispute to this Tribunal for adjudication on the following terms :

SCHEDULE

"Whether the demand of the workmen of Kustore Colliery of Messrs Bharat Coking Coal Limited, Post Office Kustore, District Dhanbad that Shri Ramdao Singh, Cap lamp fitter should be paid wages for the period of forced idleness from the 22nd August, 1979 to 3rd September, 1979 is justified? If so, to what relief is the concerned workman entitled?"

2. The case of the concerned workman, Shri Ramdao Singh is that on 22-8-79 he reported for duty, but the cap lamp cabin incharge and the Assistant Manager instructed the attendance clerk not to allow him to do his duty. According to him he was present in the colliery but he was not allowed to join his duty till 3rd September, 1979. He submitted his representation before the authorities on 23-8-79, 25-8-79 and 27-8-79 and thereafter he was allowed to join duties from 4th September, 1979. In this reference he has claimed wages for the period of forced idleness from 22-8-79 to 3-9-79 with all other consequential benefits. The management's case on the other hand is that on and from 22-8-79 the concerned workman was ordered to work in the second shift which he refused to do. The manager through letter dated 29-8-79 warned him, but he persisted in his behaviour and protested by his letter dated 1-9-79 and 5-9-79. The case of the management is that he started working in the second shift from 4-9-79 and he was permitted to do so. The action of the concerned workman has been described by the management as wilful and unauthorised absence from duties. So his claim for wages for the period of absence was stated to be unjustified.

3. On behalf of the workman written statement was filed on 8-12-81 and on the same date the management also filed their written statement. On 13-1-82 the concerned workman filed rejoinder. The plea taken in the rejoinder is that the Cap Lamp Incharge and the manager of the colliery have no authority to change the shift of the concerned workman and the action of the management in changing the shift amounted to change in service condition without service of notice under S. 9A of the I.D. Act, 1947. The management filed rejoinder refuting this claim of the concerned workman.

4. On 3-5-82 it was brought to the notice of the Court that Shri N. Nag, President of the union representing the concerned workman died. The concerned workman and Shri Nag had been absent on previous date and on 13-5-82 the concerned workman prayed for time on the ground that his Advocate is not available. Thereafter 4-6-82 and 16-6-82 were fixed for hearing of this case. But on neither dates the concerned workman appeared either in person or through a lawyer.

5. Shri B. Joshi, Advocate representing the management submitted that the case of the workman that the management's action to change the shift of the workman in order to suit the contingency of work is not tenable in law and therefore the workman's refusal to do duties in the second shift is if-so-facto unjustified. I am not aware of any law which prevents the management from changing the shift of a workman if the management felt that it was necessary. According to the workman not even the manager of the colliery is competent to do so. The manager of the colliery being primarily responsible for production of coal and management of colliery is an official under the Mines Act to manage the affairs of the colliery. It does not stand to reason that an officer other than him is a competent authority to order a change in shift. This plea therefore is not sustainable. The concerned workman has pleaded no other plea in the written statement to justify his refusal to serve in the second shift. It has not been refuted that the concerned workman resumed duty on 4-9-79. Between 22-8-79 and 3-9-79 the concerned workman did not perform his duties admittedly on the ground that the management could not change his shift. It was therefore wilful stoppage of work by the concerned workman and so he could not be entitled to wages for that period.

6. Thus considering all aspects of the case I have to hold that the demand of the workmen of Kustore colliery of Messrs Bharat Coking Coal Limited, Post Office Kustore, District Dhanbad that Shri Ramdau Singh, Cap Lamp Fitter should be paid wages for the period of forced idleness from the 22nd August, 1979 to 3rd September, 1979 is not justified. Consequently the concerned workman is not entitled to any relief.

This is my award.

J. P. SINGH, Presiding Officer
[No. L-20012(174)81-D.III(A)]

S.O. 2526.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad in the industrial dispute between the employers in relation to the management of Kujama Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad, and their workmen, which was received by the Central Government on the 26th June, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) DHANBAD

PRESENT :

Shri J. P. Singh, Presiding Officer.

Reference No. 63 of 1981

In the matter of an industrial dispute under S. 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Kujama Colliery of M/s. Bharat Coking Coal Limited At and Post Office Jharia District Dhanbad and their workmen.

APPEARANCES :

On behalf of the employers—Shri G. Prosad, Advocate.
On behalf of the workmen—Shri S. P. Singh, General Secretary, Khan Mazdoor Congress, Dhanbad.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, 23rd June, 1982

AWARD

This is a reference under S. 10 of the I.D. Act, 1947. The Central Government by its order No. L-20012(180)/81-D.III(A) dated 23rd September, 1981 has referred this dispute to this Tribunal for adjudication under the following terms :

SCHEDULE

"Whether the action of the management of Kujama Colliery of Messrs Bharat Coking Coal Limited,

At and Post Office Jharia, District Dhanbad in terminating the services of Shri Dhiren Mahato, miner/loader with effect from the 13th February, 1981 is justified ? If not, to what relief is the workman entitled ?"

2. Shri Dhiren Mahato the concerned workman was appointed as miner/loader by Messrs Bharat Coking Coal Limited through their appointment letter dated 6-6-1980. In the appointment letter the service condition, of the concerned workman was to be governed by the standing orders applicable to the colliery. The management stopped the concerned workman from work since 13-2-1981 without assigning any reason. Against this illegal stoppage of work the concerned workman represented before the management, and in reply to his representation the management provided him with a copy of the management's letter No. KCI/81/A P/1020 dated 13-2-81. The grievance of the concerned workman is that no notice of termination of service was given to him nor any charge-sheet was preferred against him. His contention is that according to the standing order applicable in the colliery a workman who has put in 190 days attendance in the mine and 240 days attendance on the surface is considered to have completed one year regular service. He claims to have put in 200 days attendance and therefore he was a permanent workman and he could not be stopped from work in an arbitrary manner. The management was not prepared to consider his case and therefore the union raised an industrial dispute against the illegal termination before the Assistant Labour Commissioner (Central) Dhanbad on 11-3-81. The conciliation however ended in failure resulting in this reference. According to the concerned workman the termination was illegal, arbitrary and fit to be quashed. A plea has further been taken that this illegal termination amounts to retrenchment under the provision of S. 25F of the I.D. Act, 1947 and since no such procedure has been followed such a termination would be illegal. His prayer is for reinstatement and back wages for the idle period.

3. The management written statement has been filed by the manager, Kujama Colliery where the concerned workman has worked as a miner/loader. The case of the management is that the father of the concerned workman named Chotu Mahato was employed as a trammer in Ghanoodih colliery of M/s. Bharat Coking Coal Limited. Shri Chotu Mahato suffered from incurable disease and was found by the medical board to be unfit for further employment. Cases of some more workers had been similarly considered. The management in their letter No. BCCL/IX/6-A/77/Medical Board/13888 dated 21/24-1-77 terminated the services of Shri Chotu Mahato along with 46 others w.e.f. 27-1-77. Thereafter Shri Chotu Mahato was paid his full and final payment along with his gratuity on 23-4-77 by cheque No. OC/330723 dated 21-4-77. Shri Chotu Mahato applied for the refund of his contribution to the Coal Mine, Provident Fund and his application was forwarded under letter No. G/PF/78/2425 dated 6-1-78. M/s. Bharat Coking Coal Limited introduced a scheme by a circular No. BCCL/PA-II/160/78/38759-941 dated 18/19-9-78 in respect of employment of a dependent of the employees suffering from incurable diseases and whose services are terminated as a consequence thereof. Shri Chotu Mahato, father of Shri Dhiren Mahato was not eligible to apply for the employment of his son under this scheme because his services had already been terminated about 1 year 9 months ago before this scheme was introduced. But he did apply under this scheme and in connivance with the officials of the colliery got his son Shri Dhiren Mahato employed. Subsequently, however, the fraud was detected. The management's case is that the concerned workman Shri Dhiren Mahato in collusion with his father Shri Chotu Mahato and the officials of the colliery obtained through fraud the appointment. The management considered the entire matter connected with his employment and found the appointment to be illegal. The appointment was for a period of one year on 6-6-80 and it was liable to be terminated without assigning any reason. The management therefore terminated his service w.e.f. 13-2-81 i.e. before the completion of one year without assigning any reason and such a termination was stated to be in order under terms and conditions of service of the appointment letter of the concerned workman. According to the management the provisions of S. 25F of the I.D. Act was not applicable in the case of the concerned workman.

4. The management in this case examined three witnesses. MW-1 Shri B. B. Ojha was the register keeper in Ghanoodih

colliery from June, 1957 onwards. He knew Shri Chotu Mahato father of Shri Dhiren Mahato, the concerned workman. He has said the services of Shri Chotu Mahato was terminated on medical ground. The letter of termination of his service proved by him is Ext. M-3. The medical certificate itself is Ext. M-4. The witness has proved the application of Shri Chotu Mahato for withdrawal of provident fund amount, which is Ext. M-5. Though another application, Ext. M-6 Shri Chotu Mahato prayed for payment of all his dues by the colliery. Ext. M-7 is a forwarding letter of the colliery manager along with which application of Shri Chotu Mahato was forwarded to the CMPE. The witness has also proved the appointment letter of Shri Dhiren Mahato, which is Ext. M-8. The witness has also proved Ext. M-9 which is an office order regarding acceptance of resignation of Shri Chotu Mahato by the General Manager, Shri Ravindra Singh. Ext. M-10 is report of this witness to the Superintendent of collieries after he received the office order Ext. M-9. The witness has also proved the note signed by the Personnel Manager, Shri R. C. Srivastava, Ext. M-11. Ext. M-11/1 is a note of Shri N. C. Sinha, Dy. Personnel Manager. Similarly the note Ext. M-11/2 is in the pen of Shri M. N. Singh, Personnel Manager. Ext. M-11/3 is the final order in the pen of the General Manager, Shri R. Singh. Ext. M-12 is a letter signed by the General Manager, Shri Ravindra Singh addressed to the Agent, Ghanoodih Colliery. There is another letter, Ext. M-13 signed by Shri E. N. Choudhury, Supdt. of collieries addressed to the General Manager. Ext. M-14 is signed by the Manager, Kujama Colliery. So far as this witness is concerned the contention of the management is that he detected the fraud in the appointment of the concerned workman. The witness already knew that the services of Shri Chotu Mahato had been terminated in 1977 on medical ground. But there was a voluntary resignation application filed by Shri Chotu Mahato on the basis of which his resignation was accepted and his son was appointed. The witness in his report, Ext. M-10 brought to the notice of the superior officers the fraud applied by Shri Chotu Mahato in the matter of appointment of his son. The matter was taken up and in due course the General Manager terminated the appointment of the concerned workman.

5. The other witness Shri James Khalkoo, MW 2 was the Welfare Officer at Ghanoodih Colliery since 1975. He has proved a circular Ext. M-15 dated 18/19-9-78 signed by the General Manager (P), Shri S. K. Choudhury. On that prescribed form of BCCL Shri Chotu Mahato's name had been applied for his son's employment. The witness put his initial on that application, which is Ext. M-16. In cross-examination the witness has said that the form Ext. M-15 was filled up in his presence and the thumb impression of Shri Chotu Mahato was given in his presence. In fact he had admitted that he had filled up the form in Hindi and the identification of the thumb impression of Shri Chotu Mahato was also written by him. One Shri Mahabir Rajwar a worker in the mine signed as a witness on this form. He has further said in cross-examination that Shri Chotu Mahato had approached him through Shri Mahabir Rajwar in order to make that application. The witness has said that the form was sent with a forwarding letter to the General Manager, Bastacolla Area No. IX by the Superintendent of the collieries, Shri Mishra. The forwarding letter on admission has been marked Ext. M-17. The application form Ext. M-16 had been sent by him to the Superintendent of collieries where it was dealt with and forwarded to the Area General Manager. The witness has further admitted that Shri Rajwar who signed as a witness in Ext. M-16 is still employed as switch board attendant.

6. Another witness for the management is Shri M. N. Singh (MW-3). He had been working as Area Personnel Manager of Area No. IX Kujama and Ghanoodih Collieries had been in his jurisdiction. He had dealt with Ext. M-11 in his official capacity as Personnel Manager of Area No. IX. He had recommended revocation of appointment of Shri Dhiren Mahato in his note, Ext. M-11/2 addressed to the Area General Manager. It was on the basis of his note that the General Manager passed the order, Ext. M-11/3. In his cross-examination he has said that before submission of his note, he had looked into the paper concerning the appointment of Shri Dhiren Mahato. The reason for his recommending revocation of appointment of Shri Dhiren Mahato was on the ground that it was a mistake by the local management in the matter of recommending appointment of Shri Dhiren Mahato. He therefore did not suggest

any action against the local management. But subsequently, to the court question he replied that while making recommendation for the revocation of appointment, he had thought that it was a case of fraud on the part of the local management and also on the part of Shri Dhiren Mahato and his father. He admitted that he did not suggest any action against the local management. He was however not in a position to say whether Shri Dhiren Mahato had at any time approached directly to the local management for employment. Further down in his cross-examination he has clarified that no charge-sheet was issued against Shri Dhiren Mahato because the appointment of Shri Dhiren Mahato was a conditional appointment. Further more no domestic enquiry was instituted against the concerned workman for violation of any of the terms of appointment.

7. On behalf of the workmen only Shri Dhiren Mahato has been examined. His evidence is that he had worked for about one year in Kujama Colliery and thereafter he was stopped from work. His further case is that no reason was assigned to him by the management for stopping him from work. He was given any charge-sheet nor any wrong had been done by him. In his cross-examination he has identified his photograph, Exe. M16 affixed to the application of his father in which he sought as soon (WW-1) to be appointed in his place. But the witness has said that he did not know that his appointment was made on the basis of the application for retirement filed by his father. He has admitted that he was appointed on the basis of the appointment letter, Ext. W.1. He denied that he served only for about 8 months.

8. The documentary evidence on behalf of the concerned workman is Ext. W-1 which is the original appointment letter dated 6-6-80. Ext. W-2, is a representation filed by the concerned workman dated 21-2-81 against stopping him from work and Ext. W-3 is a letter of the management dated 13-4-81 specifying the grounds under which his appointment was cancelled.

9. It will appear from the documentary and oral evidence adduced on behalf of the management that Shri Chotu Mahato had retired in the year 1977 on medical ground and had been paid all the outstanding dues lying with the management and also the provident fund amount lying in deposit with the Commissioner, CMPE organisation. Shri Chotu Mahato had applied in the prescribed form his retirement and appointment of his son Shri Dhiren Mahato. The photograph of Shri Dhiren Mahato is attached on this application. Since Chotu Mahato was employed in Ghanoodih Colliery the Superintendent of the colliery recommended to the General Manager, Bastacolla Area No. IX through letter dated 23-3-1980 for the appointment of his son which was stated in that application that Shri Chotu Mahato was a patient of leprosy. A scheme under which the retirement and appointment of dependent is Ext. M-15. The case of the management is that Shri Chotu Mahato was not eligible for making any petition under the scheme of retirement on medical ground because this scheme was introduced through a circular dated 18-9-78 (vide Ext. M-15). This is not challenged on behalf of the workmen. On the recommendation made by the Superintendent of colliery the area office sanctioned the retirement of Shri Chotu Mahato and also the appointment of his son Shri Dhiren Mahato as miner. No separate application from Shri Dhiren Mahato was invited for appointment as miner and it goes without saying that the appointment of the concerned workman was made under the scheme of retirement of his father on medical ground. The contention of the management is that since Shri Chotu Mahato was not eligible for making an application under the retirement scheme aforesaid because he had already retired in the year 1977, such application was an act of fraud on the part of Shri Chotu Mahato. The further case of the management is that since the concerned workman Shri Dhiren Mahato benefited under this scheme he was a party to the fraud and so he was not entitled to any benefit of appointment. I have already said as to how this fraud was detected and how the Area General Manager on examination of this case cancelled the appointment and communicated to the concerned workman.

10. Shri S. P. Singh representing the workman in his capacity as General Secretary of the union has based his case on the ordinary service condition flowing from the appointment letter, Ext. W-1, under which the concerned

workman was appointed as miner. According to him whatever may have been the reason behind the appointment of the concerned workman, he could not be removed from service except on ground of misconduct under the standing order obtainable in the particular colliery. Furthermore the concerned workman would be deemed to have been retrenched and this could not be done without fulfilling the procedure as laid down under S. 25F of the I.D. Act 1947.

11. I may take up first the question as to whether the provisions of S. 25F of the I.D. Act is applicable to the present case. The concerned workman was appointed through the appointment letter dated 6-6-80. He was stopped from work by virtue of Ext. W-3 dated 13-4-81. It means that he worked for about 10 months before he was removed from work. Now in order to attract the provision of S. 25F it is necessary that a workman must have been employed in any industry in continuous service for atleast one year. According to S. 25F clause (2) if the service is not continuous the period of 190 days attendance for underground workers and 240 days attendance for surface workers in a year would not be considered to be one year since. Now so far as the workman is concerned the claim is that he was in continuous service as a miner. The provision of S. 25B and S. 25F have been interpreted in AIR 1963 (S.C.) 1914 and also in 1969 LLJ, 126. The later decision is a Patna High Court decision. The established position is that before a workman can be considered to have completed one year of continuous service in any industry within the meaning of S. 15B, it must be shown that he was employed for a period not less than 12 calendar months and that during this 12 calendar months he has worked for not less than 190 days or 240 days as the case may be. It has also been made clear that where a worker was employed only for 11 months, the fact that during such period of 11 months he worked for more than 240 days was not to entitle him to get the benefit of S. 25F of the I.D. Act. The provision of law therefore is that in order to attract S. 25F of I.D. Act, 1947 a workman must have served for atleast 12 calendar months. In this case it is not so because the concerned workman has worked only for about 10 months. So irrespective of the fact as to whether the concerned workman completed 190 days attendance during the period of his service, he is not entitled to invoke the provision of S. 25F of the I. D. Act.

12. The next point urged on behalf of the concerned workman is that Shri Dhiren Mahato had made no application for his appointment and the appointment letter, Ext. W-3 shows that the appointment was secured by his father. So, even if his father had played a fraud with the management in getting him appointed, the concerned workman could not be said to be guilty of the fraud. His case therefore should not be thrown out by the management on the ground that his father committed a fraud. Shri S. P. Singh has argued that from time to time M/s. Bharat Coking Coal Ltd. has brought out scheme for benefit of its workmen and the father of the concerned workman has been shown to be a laprosy patient. Under the circular of BCCL the workers suffering from incurable diseases were given option to retire and to get one of his dependent appointed in his place. What he means to say is that even if some wrong statements were made by the father of the concerned workman in securing appointment of his son, a hard attitude should not have been adopted by the management in removing the concerned workman from service. In this connection he has drawn my attention to the fact that the father of the concerned workman approached MW-2 who was a Welfare Officer of the colliery and he had filled in the form and sent it to the office of the Superintendent for consideration. If the office had examined the case properly it would have found that Shri Chotu Mahato was not eligible for any relief in the matter of appointment of his son because he had already retired before the introduction of this scheme. What Shri Singh means to say is that Shri Chotu Mahato as well as the office missed this aspect of the case altogether, and therefore the Superintendent of the colliery recommended the case for appointment of the concerned workman. According to him there was no fraud on the part of Shri Chotu Mahato nor any fraud on the part of the office. What he means to say is that Shri Chotu Mahato being illiterate and actually suffering from laprosy may have genuinely thought that his son could be appointed under this scheme. The office of the colliery also

missed the fact that since Shri Chotu Mahato had already retired about 1 year before he was not entitled to get his son appointed under this scheme. The simple argument of Shri Singh is that if this aspect of the matter was considered by the management in its true perspective, the management would not have adopted the hard attitude which has resulted in throwing the concerned workman out of employment and also deprived his old and disabled father from any support. Shri Singh's grievance is that the concerned workman should have been given a notice from the management before taking final decision and if this was done he and his union could have pleaded with the management for compassionate view of the matter. What he means to say is that he could convince the management that this was not a case of fraud either on the part of the father of the concerned workman or on the part of the management. According to him it was a pure case of mistake on the part of both.

13. With regard to the above point raised on behalf of the workman it appears to be a reasonable contention. It is no doubt true that even MW-2 was sympathetic to him and he even filled up the form for the father of the concerned workman. His evidence is that he forwarded his application to the Superintendent of colliery. Shri Chotu Mahato was a disabled person and so naturally the officers of the colliery may have a sympathetic view in the matter of appointment of his son. They may have missed that he had retired earlier in 1977. I do not think it could be a case of fraud and we can reasonably say that it was a case of mistake mainly of the office, because had the matter been closely examined in the office, the application for appointment of his son would not have been forwarded by the management. But this ground is not enough to set aside the order of discharge passed by the management so far as this workman is concerned. This matter however serve as a background to whatever I am going to deal with subsequently.

14. The argument of Shri Singh is that in the matter of appointment of a particular post there are various considerations, but the primary consideration is the suitability of a particular candidate. This concerned workman was appointed not for the sole reason that he happened to be a son of a disabled father, but because of the fact that for the job of the miner working underground the concerned workman was found to be suitable. What he means to say is that if the management had found that the concerned workman was not medically and physically fit to perform the arduous duty of a miner, he would not have been appointed under this scheme. In this case the management has not received any grievance that the concerned workman did not perform his duty properly. On the other hand, the evidence on the part of the workman is that the concerned workman worked satisfactorily and at no stage any complaint was made against him. Shri Singh has contended that if a miner puts in 190 days attendance, he will be deemed to be permanent. He has further said that he was in continuous service and within 10 months of his service he completed 190 days attendance as underground worker. This fact is not denied by the management by proving otherwise. So this fact has to be accepted that the concerned workman completed 190 days in order to be entitled to be made permanent. In this view of the matter it is necessary that his service conditions would be governed strictly on the basis of the standing order. This concerned workman was not given any notice nor any charge-sheet had been framed against him. What has been contended in this case is that his appointment had been cancelled ignoring that whatever the circumstances may have been responsible for his appointment as a miner, his case should be examined in the light of the fact that he attained the position of a permanent worker by virtue of the standing order applicable to the colliery. What I mean to say is that he could be removed from service for misconduct alone and not otherwise.

14. I would, however note to point out the outstanding feature of the case as presented before me on behalf of the workmen. Although in the appointment letter, Ext. W-1 it has been stated that the appointment is for one year, the workman's case that it was a permanent appointment. In this connection reference has been made to clause (3) of the Model Standing Order for Industrial Establishment in Coal Industry. Clause (3) of this Standing order classifies workmen to six categories viz : (i) permanent, (ii) probationers; (iii) badlaries or substitutes, (iv) temporary, (v) apprentices, (vi) casual.

Clause 3(b) has given the following definition of permanent workman :

A permanent workman is one who is appointed for an unlimited period or who has satisfactorily put in three months continuous service in a permanent post as probationer—

Clause (c) defines temporary workman :

A temporary workman is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period. The period within which it is likely to be finished should also be specified but it may be extended from time to time if necessary

It will appear from the definitions quoted above that the appointment of the concerned workman was not temporary because the work was not of a temporary nature. He was appointed as a miner and thus work is of permanent nature. From the definition of permanent workman he was required to put in 3 months continuous service, but he has already put in 10 months service without any blemish. It goes without saying that the concerned workman by virtue of his appointment comes within the category of permanent workman. The concerned workman, therefore could not be removed from service without any notice. It cannot be regarded as discharge simplicitor and furthermore it would amount to higher and fire an employee as the employer pleases. Such a practice has been highly deprecated by the court. It will therefore appear that the order of the management cancelling the appointment of the concerned workman could not be justifiably sustained even according to the provisions of the standing order applicable to the coal industry.

15. Considering all aspects of the case I have to hold that the action of the management of Kujama colliery of Messrs Bharat Coking Coal Limited Post Office Jharia, District Dhanbad in terminating the services of Shri Dhirendra Mahato, Miner/Loader with effect from the 13th February, 1981 is not justified. Consequently, Shri Dhirendra Mahato, the concerned workman should be deemed to be in the service of the colliery as Miner/Loader with effect from 13th February, 1981 and he is entitled to all the back wages and other emoluments w.e.f. 13-2-1981.

This is my award.

J. P. SINGH, Presiding Officer
Central Govt. Industrial Tribunal (No. 2) Dhanbad
[No. L-20012(180) '81-D III(A)]

आदेश

नई विल्सी, 7 जून 1982

1 ज्ञा० 2527.—मैसर्ट भारत कोर्किंग कॉल लिमिटेड के कुम्हन्दा संख्या VI, डाकघर कुम्हन्दा जिला धनबाद के प्रबंधतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, जिनका प्रतिनिधित्व राष्ट्रीय कोलियरी मजदूर संघ, राजेन्द्रपथ, धनबाद करती है, एक ग्रोवोगिक विवाद दिया गया है;

और उक्त नियोजकों और कर्मकारों ने ग्रोवोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उपधारा (1) के अनुसरण में एक लिखित करार द्वारा उक्त विवाद को भाष्यस्थम के लिए निर्देशित करने का करार कर दिया है और उक्त भाष्यस्थम करार की एक प्रति केन्द्रीय सरकार को भेजी गई है;

अतः अब उक्त अधिनियम की धारा 10-क की उपधारा (3) के उपर्योगों के अनुसरण में, केन्द्रीय सरकार उक्त भाष्यस्थम करार को, जो उसे 21 जून, 1982 को मिला था, एवं द्वारा प्रकाशित करती

करार

(ग्रोवोगिक विवाद अधिनियम, 1947 की धारा 10-क के प्रधीन)

पक्षकारों के नाम :

नियोजकों का प्रतिनिधित्व करने वाले

श्री गम०एन० मिन्हा,

कार्मिक प्रबंधक,

मैसर्ट बी०सी०सी०एन० का कुम्हन्दा
सेवा संघ्या VI डाकघर कुम्हन्दा,
जिला धनबाद

श्री जी०डी० पांडे,

सेवेटरी,

राष्ट्रीय कोलियरी मजदूर संघ,
राजेन्द्रपथ, धनबाद।

कर्मकारों का प्रतिनिधित्व करने वाले

पक्षकारों के बीच निम्नलिखित ग्रोवोगिक विवाद को श्री जे०एन० मिन्होट, उप-मुख्य अमाध्यक (केन्द्रीय), धनबाद के भाष्यस्थम के लिए निर्देशित करने का करार किया गया है।

(1) विनिर्दिष्ट विवादप्रस्त विवाद

यह यूनियन की मांग कि गोधुर कोलियरी/वर्केशाप में भी कुम्हन्दा लोहार तथा 21 अन्य अभिको (सेलगन भूची के अनुसार) को उनके नामों के सामने निर्दिष्ट उच्च मजदूरी के साथ उच्च वर्ग दिया जाना चाहिए, व्यायोंवित है ? यदि हाँ, तो कर्मकार किस भन्तीमें के इकावार है और किस तारीख से।

(2) विवाद के पक्षकारों का विवरण मैसर्ट भारत कोर्किंग कॉल लिमिटेड जिसमें प्रत्येक वर्तित स्थापन या डाकघर कुम्हन्दा (धनबाद) के उपक्रम का नाम तथा पता भी कुम्हन्दा शेव के प्रबंधन से सम्बद्ध समितिन है।

(3) कर्मकार का नाम, यदि वह राष्ट्रीय कोलियरी मजदूर संघ (एन्टक), राजेन्द्रपथ, धनबाद। यूनियन का नाम, यदि कोई हो, जो प्रश्नगत कर्मकार या कर्मकारों का प्रतिनिधित्व करता है।

(4) प्रभावित उपक्रम में नियोजित 1500 कर्मकारों की कुल संख्या।

(5) विवाद द्वारा प्रभावित या सम्बन्धित प्रभावित होने वाले कर्मकारों की प्राक्कलिन संख्या।

प्रध्यस्थम प्रपना पक्षाट सरकारी राजपत्र में इस माध्यस्थता करार के प्रकाशन भी तारीख से छ मास की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बहाया जाए, देगा। यदि पूर्ण वर्तित कालावधि के भीतर चंचाट नहीं दिया जाता तो माध्यस्थम के लिए निर्देश स्वतं रह हो जाएगा और हम नए माध्यस्थम के लिए बाल्दीत करने को स्वतं रहेंगे।

पक्षकारों के हन्ताक्षर

1 (पस०एन० मिन्हा) (जी०डी०पांडे)
कार्मिक प्रबंधक, शेव संघ्या VI, सेवेटरी,

मैसर्ट भारत कोर्किंग कॉल लिमिटेड, राष्ट्रीय कोलियरी मजदूर संघ,
डाकघर कुम्हन्दा जिला धनबाद। राजेन्द्रपथ, धनबाद।

साक्ष्य : 1 अपाठ्य

2 अपाठ्य

गोधुर कोलियरी/वर्कशाप

अधिकों की सूची, जिन्हें वर्गीकृत और पदोन्नत किया जाना है।

क्रमांक	नाम	वर्तमान पदनाम	नियुक्ति की तारीख	वर्तमान वर्ग की तारीख	वर्ग जिसमें रखा गया	वर्ग जिसमें उनकी पदोन्नति होनी है
1	2	3	4	5	6	7
1.	श्री बुधन लोहार	ब्लैकस्मिथ	17-10-1971	1-5-1972	IV	V
2.	श्री इन्द्र वेव लोहार	ब्लैकस्मिथ/हिमरमेन	17-10-1971	1-5-1972	III	IV
3.	श्री मैनेजर लोहार	ट्यूब रेप० मजदूर/ब्लैकस्मिथ	7-5-1973	1-5-1972	III	IV
4.	श्री महाबीर सिंह	मार्शीनिस्ट	17-10-1971	1975	IV	V
5.	श्री मोहन लोहार	ब्लैकस्मिथ	1-8-1973	1-7-1973	IV	V
6.	श्री रामस्वर कारमेकर	ब्लैकस्मिथ	1-8-1973	1-7-1973	IV	V
7.	श्री बन्दी रेवानी	हिमरमेन	17-10-1971	1-3-1972	III	IV
8.	श्री बचू यादव	ट्यूब रेप० मजदूर	17-10-1971	1-3-1972	III	IV
9.	श्री रामबिलास लोहार	शॉटकायरर	7-5-1973	1976	IV	V
10.	श्री जेतिन चन्द दास	फिटर हैल्पर/फिटर	24-2-1976	1976	II	IV
11.	श्री बासवेन लोहार	ब्लैकस्मिथ	18-12-1961	1-1-1976	IV	V
12.	श्री कामेश्वर लोहार	हिमरमेन/ब्लैकस्मिथ	1-2-1968	—	III	IV
12.	श्री रागदहीन लोहार	ब्लैकस्मिथ	17-10-1971	1976	IV	V
14.	श्री बानेश्वर लोहार	ब्लैकस्मिथ	1-8-1973	1-7-1973	V	VI
15.	श्री रामदेव शर्मा	फिटर	17-10-1971	1-1-1973	V	VI
16.	श्री नन्दलाल लोहार	हिमरमेन	—	—	—	—
17.	श्री हीरालाल रेजक	ब्लैकस्मिथ	1973	1973	IV	V
18.	श्री महाबीर सिंह न० १	हिमरमेन/ब्लैकस्मिथ	1973	1973	III	IV
19.	श्री हपाल सिंह	हिमरमेन	1973	1973	—	—
20.	श्री मुकन्द रेवानी	फिटर	—	—	IV	V
21.	श्री लालन प्रसाद	योपोक्त	—	—	IV	V
22.	श्री सुखदेव विश्वकर्मा	योपोक्त	—	—	III	IV

मैसर्स भारत कोकिंग कोल लिमिटेड, की गोधुर कोलियरी वर्कशाप, डाकघर कुसुंदा (धनबाद) के प्रबंधतत्र से सम्बद्ध नियोजक

द्वारा

राष्ट्रीय कोलियरी मजदूर संघ (एनक), राजेन्द्रपथ, धनबाद—
मैसर्स भारत कोकिंग कोल लिमिटेड की शेत संघ्या VI में गोधुर कोलियरी/वर्कशाप के श्री बुधन लोहार और 21 अन्य अधिकों के बारे में है के बीच भौतिक विवाद के मामले में।

ई उक्त विवाद में भौतिक विवाद अधिनियम, 1947 की धारा 108 के अधीन मध्यस्थ के रूप में कार्य करने के लिए अपनी सहमति देता है।

ह०/-

जे०एन० सिमलोट

उप-मूल्य अमायक्स (रेष्ट्रीय)

धनबाद द्वारा

मध्यस्थ

[ल० एल-20014(9)/82-इII(ए)]

ए०बी०एस० शर्मा, ईस्क प्रधिकारी

ORDER

New Delhi, the 7th July, 1982

S.O. 2527.—Whereas an industrial dispute exists between the employers in relation to the management of Kusunda Area No. VI of Messrs Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad and their workmen represented by Rashtriya Colliery Mazdoor Sangh, Rajendra Path, Dhanbad;

And whereas the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government a copy of the said arbitration agreement;

Now therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement which was received by it on the 21st June, 1982.

AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947).

BETWEEN

Name of parties

Representing Employer : Shri S.N. Sinha, Personnel Manager, Kusunda Area No. VI of M/s. BCCL, POST OFFICE [Kusunda, District Dhanbad.

Representing workmen : Shri G.D. Pandey, Secretary, Rashtriya Colliery Mazdoor Sangh Rajendra Path, Dhanbad.

It is hereby agreed between the parties to refer the following to the arbitration of Shri J.N. Shimla, Dy. Chief Commissioner (Central), Dhanbad.

Specific matters in dispute :
"Whether the demand of the Union that Shri Budhan Lohar and 21 other (as per

list enclosed) workmen in Godhur Colliery/Workshop should be given higher category along with higher wages as mentioned corresponding to their names is justified? If so, to what relief the workmen are entitled and from which date?"

(ii) Details of the parties to the dispute including the name and address of the establishment of undertaking involved :

(iii) Name of the workmen in case he himself is involved in the dispute or the name of the Union, if any, representing the workman or workmen in question :

Employers in relation to management of Kusunda Area of M/s. Bharat Coking Coal Limited, P.O. Kusunda (Dhanbad).

Rashtriya Colliery Mazdoor Sangh (INTUC), Rajendra Path, Dhanbad.

(iv) Total number of workmen employed in the undertaking 1500 affected :

(v) Estimated number of workmen affected or likely to be affected by the dispute :

The arbitrator shall make his award within a period of six months from the date of publication of the arbitration agreement in the official gazette or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

SIGNATURE OF THE PARTIES

Sd/- (S.N. SINHA)	Sd/- (G.D. PANDEY)
Personnel Manager, Area No. VI M/s. Bharat Coking Coal Limited, Post Office Kusunda, District Dhanbad.	Secretary Rashtriya Colliery Mazdoor Sangh, Rajendra Path, Dhanbad

Witness : (1) Sd/-
(2) Sd/-

GODHUR COLLIERY/WORKSHOP

List of the workmen due to be categorised and promoted

Sl. No.	Name	Present Designation	Date of appointment	Date of Present category	Category placed	Category due
1.	Sri Budhan Lohar	Blacksmith	17-10-1971	1-5-1972	IV	V
2.	„ Indradeo Lohar	Blacksmith/Hammerman	17-10-1971	1-5-1972	III	IV
3.	„ Manager Lohar	Tub Rep. Mazdoor Blacksmith	7-5-1973	1-5-1972	III	IV
4.	„ Mahabir Singh	Machinist	17-10-1971	1975	IV	V
5.	„ Mohan Lohar	Blacksmith	1-8-1973	1-7-1973	IV	V
6.	„ Rameshwar Karmakar	Blacksmith	1-8-1973	1-7-1973	IV	V
7.	„ Banshi Rewani	Hammerman	17-10-1971	1-3-1972	III	IV
8.	„ Bechu Yadav	Tub. Rep. Mazdoor	17-10-1971	1-3-1972	III	IV
9.	„ Rambilash Lohar	Shotfirer	7-5-1973	1976	IV	V
10.	„ Jatin Chand Das	Fitter Helper/Fitter	24-2-1976	1976	II	IV
11.	„ Basdeo Lohar	Blacksmith	18-12-1961	1-1-1976	IV	V
12.	„ Kameshwar Lohar	Hammerman/Blacksmith	1-2-1968	..	III	IV
13.	„ Ramdahan Lohar	Blacksmith	17-10-1971	1976	IV	V
14.	„ Dhaneshwar Lohar	Blacksmith	1-8-1973	1-7-1973	V	VI
15.	„ Ramdeo Sharma	Fitter	17-10-1971	1-1-1973	V	VI
16.	„ Nandlal Lohar	Hammerman	..	..	..	..
17.	„ Hiralal Rajak	Blacksmith	1973	1973	IV	V
18.	„ Mahabir Singh No. 1	Hammerman/Blacksmith	1973	1973	III	IV
19.	„ Kripal Singh	Hammerman	1973	1973	IV	V
20.	„ Mukind Rewani	Fitter	..	..	IV	V
21.	„ Lal n Prasad	Fitter	..	..	IV	V
22.	„ Sukhdeo Bishwakarma	Fitter	..	..	III	IV

In the matter of industrial dispute
between

Employers in relation to the management of Godpur Colliery Workshop of M/s. Bharat Coking Coal Limited, Post Office Kusunda (Dhanbad).

And

Rashtriya Colliery Mazdoor Sangh (INTUC), Rajendra Path, Dhanbad, in regard to Shri Budhan Lohar and 21 other workmen of Godhur Colliery/Workshop in Area No. VI of M/s. Bharat Coking Coal Limited.

I hereby give my consent to act as Arbitrator under Section 10A of the Industrial Dispute Act, 1947 in the above dispute.

Sd/-

J.N. SIMLOTE,
Dy. Chief Labour Commissioner
(Central), Dhanbad and
Arbitrator
[No. L-20014/(9)/82-D.III (A)]
A.V.S. SARMA, Desk Officer

धारेश

नई दिल्ली, 30 मार्च 1982

का० आ० 2528—केन्द्रीय सरकार की राय है कि इससे उपर्युक्त भन्नसूची में विनिर्दिष्ट विषय के बारे में सेन्ट्रल बैंक आफ इंडिया के प्रबंधन संबंध से सम्बद्ध एक श्रौतोगिक विवाद नियोजकों और उनके कर्मकारों के बीच विषयमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहनीय समझती है;

भरत, केन्द्रीय सरकार, श्रौतोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के छंड (घ) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए, एक श्रौतोगिक अधिकरण गठित करती है जिससे पीड़ितों विवाद नियोजकों और उनके कर्मकारों के बीच विषयमान है जिससे पीड़ितों विवाद नियोजकों और उनके कर्मकारों के बीच विषयमान है;

भन्नसूची

कथा सेन्ट्रल बैंक आफ इंडिया, केन्द्रीय अधिकारी, प्रहमवादाद के प्रबंधन संबंध की सब-स्टाफ प्रवर्ग से संबंधित अधिकारों की सेवाओं को नीचे विए गए प्रश्नों के नाम के सामने निर्विष्ट तारीखों से समाप्त करने की कार्रवाई चाहीय है। यदि नहीं, तो संबंधित कर्मकार किस भन्नतोष के हुक्मादार हैं?

क्रम सं०	नाम	सेवा-निवृत्ति की तारीख
1. श्री आर० डी० परमार	22-6-79	
2. श्री के० एच० मकवाना	21-5-79	
3. श्री एम० आर० परमार	21-5-79	
4. श्री के० डी० सोलाकी	13-4-79	
5. श्री एम० एस० परमार	21-5-79	
6. श्री एन० डी० लेवा	22-4-79	
7. श्री जे० बी० परमार	8-7-79	
8. श्री एम०एम० बंकर	21-5-79	
9. श्री एन० के० परमार	21-4-79	

[सं० एल०-12012/257/81-डी० II (ए)]

ORDER

New Delhi, the 30th April, 1982

S.O. 2528—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Central Bank of India and their workmen in respect of the matter specified in the Schedule thereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now therefore in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G.S. Barot shall be the Presiding Officer, with headquarters at Ahmedabad and refers the said dispute for adjudication in the said tribunal.

SCHEDULE

"Whether the action of the management of Central Bank of India, Regional Officer, Ahmedabad in termination of services of the workmen belonging to sub-staff category with effect from the dates mentioned against the name of each below,

is justified? If not, to what relief the workmen concerned entitled?"

S.No.	Name	Date of Termination
1.	Shri R.D. Parmar	22-6-79
2.	„ K.H. Makwana	21-5-79
3.	„ M.R. Parmar	21-5-79
4.	„ K.D. Solanki	13-4-79
5.	„ M.S. Parmar	21-5-79
6.	„ N.D. Leuva	22-4-79
7.	„ J.B. Parmar	8-7-79
8.	„ N.M. Vankar	21-5-79
9.	„ N.K. Parmar	21-4-79

[No. L-12012/257/81-D.II(A)]

धारेश

नई दिल्ली, 14 मई, 1982

का० आ० 2529.—केन्द्रीय सरकार की राय है कि इससे उपर्युक्त भन्नसूची में विनिर्दिष्ट विषय के बारे में देना बैंक के प्रबंधन संबंध से सम्बद्ध एक श्रौतोगिक विवाद नियोजकों और उनके कर्मकारों के बीच विषयमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना चाहनीय समझती है;

भरत, केन्द्रीय सरकार, श्रौतोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उप-धारा (i) के छंड (घ) द्वारा प्रदत्त शर्तियों का प्रयोग करते हुए, एक श्रौतोगिक अधिकरण गठित करती है जिसके पीड़ितों विवाद नियोजकों श्री जी० एस० बरोत होंगे, जिनका मुख्यालय प्रहमवादाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है।

भन्नसूची

कथा देना बैंक, केन्द्रीय कार्यालय प्रहमवादाद के प्रबंधन संबंध की स्थायी भांशकालिक कलीनर, श्री न० डी० रोहित की 2 मार्च, 1981 से बैंक की सेवा को स्वैच्छिक रूप से परिस्थित की गई समझने की कार्रवाई चाहीय है? यदि नहीं, तो संबंधित कर्मकार किस भन्नतोष का हुक्मादार है और किस तारीख से।

[सं० एल० 12012(300)/81-डी० II (ए०)]

ORDER

New Delhi, the 14th May, 1982

S.O. 2529.—Whereas the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Dena Bank and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri G.S. Barot shall be the Presiding Officer with headquarters at Ahmedabad and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the action of the management of Dena Bank, Regional Office, Ahmedabad, in considering Shri P. D. Rohit, Permanent part-time cleaner as abandoned the service of the bank voluntarily with effect from 2nd April, 1981 is justified? If not, to what relief is the workman concerned entitled and from what date?"

[No. L-12012(300)/81-D.II(A)]

New Delhi, the 1st July, 1982

S.O. 2530.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Bank of Baroda, Bombay, and their workmen, which was received by the Central Government on the 26th June, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri M. A. Deshpande, Presiding Officer

Reference No. CGIT-2/13 of 1982

PARTIES :

Employer in relation to the management of Bank of Baroda.

AND

Their workmen.

APPEARANCES :

For the Employer—Shri R. B. Pitale, Labour Adviser.

For the Workman—No appearance.

INDUSTRY : Banking **STATE :** Maharashtra

Bombay, dated the 16th June, 1982

AWARD

(Dictated in the Open Court)

By Order No. L-12012(217)/81-D.II(A) dated 19-2-1982 the following dispute has been referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 :—

“Whether the action of the management of Bank of Baroda, Akola Branch, in not appointing on permanent basis Shri R. S. Gaikwad, daily wages driver who has been continuously working since the 3rd August, 1978 is justified? If not, to what relief is the concerned workman entitled?”

2. Mr. Pitale on behalf of the Bank informs that initially the Bank was experiencing difficulty in absorbing Shri R. S. Gaikwad in Bank service because he did not appear through the Employment Exchange and being a nationalised Bank, the Bank could not absorb him if he did not appear through the Employment Exchange, but Shri Pitale also informs that this irregularity now has been straightened in the sense Shri R. S. Gaikwad appeared through the Employment Exchange where he got his name registered. He was initially appointed as a Probationer and on completion of the probationary period successfully he has been now absorbed in the regular cadre in other words, now the dispute cannot survive and requires no adjudication.

Reference therefore disposed of.

Award accordingly.

M. A. DESHPANDE, Presiding Officer
[No. L-12012(217)/81-D.II(A)]

S.O. 2531.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Bombay, in the industrial dispute between the employers in relation to the management of Citi Bank N.A. and their workmen, which was received by the Central Government on the 26th June, 1982.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

PRESENT :

Shri M. A. Deshpande, Presiding Officer.

Reference No. CGIT-2/9 of 1981

PARTIES :

Employers in relation to the Management of Citi Bank N.A.

AND

Their Workmen

APPEARANCES :

For the Employer—Shri V. V. Pai, Advocate.

For the workmen—Shri A. B. Pijawar, President of the Union.

INDUSTRY : Banking

STATE : Maharashtra

Bombay, dated the 11th June, 1982.

AWARD

(Dictated in the Open Court)

This is a reference under Section 10(1)(d) of the Industrial Disputes Act, 1947 whereby the following dispute was referred for adjudication by order No. L-12012/70/81-D.II(A) dated 23rd July, 1981 :—

“Whether the action of the management of Citi Bank, Bombay in dismissing Miss S. M. Gupte, Typist, from services of the Bank as per orders dated 27th September, 1978 is justified? If not, to what relief is the said workman entitled?”

during the pendency of which, the matter has been amicably settled between the parties whereby without standing on formalities and technicalities and legal rights there is a magnanimous gesture on the part of the Bank whereby they offered to pay Rs. 25,000 and on behalf of the employee Miss S. M. Gupte (Mrs. Kulkarni) she has agreed to accept the same in full and final satisfaction of all her dues as may be available to her. The Bank has also agreed to give a certificate about the period of service and stating that at the request of Miss Gupte she was relieved from service.

2. In view of the settlement which has been arrived at, as already indicated without standing on legal rights by the respective parties, the reference is disposed of as settled.

Award is passed accordingly.

No order as to costs.

M. A. DESHPANDE, Presiding Officer
[No. L-12012(70)/81-D.II(A)]
N. K. VERMA, Desk Officer

New Delhi, the 29th June, 1982

S.O. 2532.—In pursuance of Section 17 of Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jaipur in the industrial dispute between the employers in relation to the management of M/s. Oriental Talc Products Private Ltd., Neem-ka-Thana and their workmen, which was received by the Central Government on 18th June, 1982.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JAIPUR**

Case No. C.I.T. 14/1981

REFERENCE:

Government of India, Ministry of Labour, New Delhi Notification No. L-29011/14/81-D.III(B) dated 3rd Oct., 1981
In the matter of an Industrial Dispute

BETWEEN

The General Secretary, Jaipur Zila Lime Stone Mazdoor Sangh, Bhagwanganji, Ajmer.

AND

M/s. Oriental Talc Products Private Ltd., Mine Owner,
Neem-ka-Thana

PRESENT :

For the Union—Shri I. M. Bapna.

For the Management—Shri Manoj Sharma.

Dated of Order—14th May, 1982.

ORDER

In this case of the management second party has raised two preliminary objections which are to be decided by this order. The dispute referred to this Tribunal by the Central Government vide notification L-29011/14/81-D.III(B) dated 3rd October, 1981 is as under :

"Whether the action of the management of M/s. Oriental Talc Products Private Ltd., Neem-ka-Thana in refusing the workers to take on duty on 1st January, 1981 as per the understanding reached before the Assistant Labour Commissioner (C), Ajmer on 26th December, 1980 amounts to "Lockout"? If so, to what relief the workmen are entitled?"

2. In the statement of claim the union has stated that on 17th October, 1980, four workers were not taken on duty by the management of the company. In protest against this action of the management remaining 126 workers did not resume work and on 21st October, 1980 a complaint was made by the General Secretary of the Hind Mazdoor Sabha to which the present union Jaipur Zila Lime Stone Mazdoor Sangh is affiliated complaining about the action of the management inter-alia also stating that since 17th October, 1980 the workers of the company are on strike. Thereafter the Assistant Labour Commissioner (Central) called both the parties for negotiations on 28th October, 1980. On 30th October, 1980 the General Secretary of the H.M.S. appeared before the aforesaid officer and requested him to call the management for conciliation. It is the case of the union that inspite of several dates being fixed the management appeared only on 1st December, 1980. There was dispute whether there was any strike in the company or not? Thereafter some parleys took place with the Assistant Labour Commissioner. Ultimately he fixed 26th December, 1980 for further discussions at Ajmer. The day both the parties appeared and it was agreed between both these parties that the representatives of the union shall send all the workers of the company on 1st January, 1981 on duty and the management shall take them on work. The case of the union is that Shri Raghuvir Sharan Nirmal, General Secretary of the H.M.S. reached the spot in time on 1st January, 1981 but the management did not take them on duty and on the other hand the management wrongly informed the Assistant Labour Commissioner stating that no worker reached for work till 12 A.M. Since there was dispute between the parties about the factual position the Assistant Labour Commissioner fixed 13th January, 1981 for further discussion. This date was further adjourned to 23rd January, 1981. On this date the representative of the union was present but not appeared on behalf of the management. Thereupon the representative of the union requested the Assistant Labour Commissioner for sending failure report. However, a telegram was received by the said officer on behalf of the management and so the 5th February, 1981 was fixed for further talks. However, then also no representative of the management was present and the officer was requested to send the failure report. Stating all these facts the union has stated that there is lock out in the concern. Prior to this there was strike in the management which was completely lawful. The workers went to work on 1st January, 1981 and were always willing to work and are still willing to work in the company but they have been wrongly denied work and in this sense the management has wrongly locked out the workers from working. The union has demanded full wages from 18th October, 1980.

3. The management has denied most of the facts stated by the union about strike and the lock out but appearance before the Labour Commissioner, Ajmer on the various dates is admitted. The preliminary objections with which we are at present concern are stated in two paragraphs. In para (A) it has been stated that the applicant union has tried to construct a new case which is not the subject matter

of reference. Only 48 persons out of 126 are workers of the company. Allegation of termination of workers is not the subject matter of reference. In this manner the claim is beyond the terms of the reference. In the second para (B) of the preliminary objections, the management has stated that it never refused any workman to work on any day much less on 1st January, 1981. The workmen who came on works were given job on that date but those who did not turn up were marked absent. The workers did not come on their work because they have entangled themselves in criminal cases. Hence the dispute referred to is not competent as the management never admitted the position that it had refused work and that refusal was justified. It was also stated in that paragraph that the union and the workmen never raise any demand regarding refusal of work which is a condition precedent for raising an industrial dispute.

4. I asked the union to file rejoinder in respect of these preliminary objections. In the rejoinder it was stated that the preliminary objections contained in para (A) is a relevant as it was never raised during the conciliation proceedings. It was further stated that if it is proved that some of the workers were not employees of the opposite party, they shall not be entitled to any relief. As regards the second preliminary objection it was submitted that the management was fully aware of the nature of dispute. The dispute which originally arose in the form of strike by workmen but later on through the persuasion of the Conciliation Officer the workers were agreeable to go on duty on 1st January, 1981 and when they were not allowed to work it amounted to locking them out from the place of work and as such reference is not about the justifiability of the strike but it is regarding lockout by the employer. It is not legally necessary to raise the dispute in so many words. The dispute which was referred to this Tribunal is an industrial dispute and is maintainable.

5. I heard the respective counsels at length and considered the various points.

6. So far as the first preliminary objection is concerned it consists of two parts: (i) According to management only 48 of the workers mentioned in the claim petition belonged to the answering company, hence the claim petition states a number of workers who are not employees of the answering company. In my view in cases of industrial disputes which are in the nature of collective bargaining disputes there is bound to be a difference between the version of the Union and version of the management. It is likely that a number of workmen may have been included who are not actually workmen of this particular company. They might be workers of some company working there either under this management or some other management. This would not be fatal to the reference. Mr. Bapna was correct when he argued if on enquiry some workers are found to be not the workers of the answering company they would not be getting relief. In my view, therefore, reference cannot be said to be bad on this account. (ii) Now the second part of the preliminary objection is in the claim petition several matters which are not within the scope of the reference have been raised. With the claim petition a list of 18 persons has been attached stating that these persons were removed from service by the employer. Shri Manoj Sharma argued that question of termination is beyond the scope of the reference. Shri Sharma is correct in his argument on this point, but as argued by Shri Bapna the Tribunal can very well not enquire into the matter of termination but on that ground the whole reference cannot be rejected. In my view, Mr. Bapna is correct and therefore this objection on the part of the management is also not such as to reject the reference as a whole.

7. The preliminary objections contained in part (B) also consists of two parts. Firstly the matter is not an industrial dispute in as much as the management did not refuse any workman to work on 1st January, 1981. Secondly the union never raised any demand with the management regarding lockout on 1st January, 1981 so also it was not an industrial dispute.

8. Let us take the second part of the objection first. While learned counsel for the management Shri Sharma argued that no industrial dispute can be raised unless the demand has been served upon the management, Shri Bapna for the union argued that it is not legally necessary to raise the dispute or demand in so many words. Shri Bapna argued that the

dispute originally arose on account of absention from work by the workmen and while the union stated that there was strike, the management was denying the factum of strike. It was during the course of conciliation proceedings that an understanding was reached that the workers joined on 1st January, 1981 and not in such a situation on refusal by the management to take workers on work that the dispute arose so it was not at all necessary to raise any demand and the government could very well make the reference.

9. On this point Section 10(1) of the Industrial Disputes Act, 1947 is clear that "when the appropriate government is of opinion that any industrial dispute exists or is apprehended, it may at any time by order in writing—refer the dispute" to the Labour Court or the Tribunal. As rightly contended by Shri Bapna the reference is an administrative act on the part of the government. This view is supported by a number of authorities including Goodyear (India) Ltd., Jaipur V/s. Industrial Tribunal, Rajasthan, Jaipur, 1968 (II) L.L.J. (167). Shri Sharma for the management argued on the authority of New Delhi Tailoring Mazdoor Union Vs. S. C. Sharma and Company 1979 F.L.R. (195) that raising of the demand is necessary before any industrial dispute can come into existence. In that case the point settled was not that no reference could be made unless the demand was raised with the management. Rather the facts show that the demand raised was something else than what was insisted in the statement of claim. In that case one of the issues framed by the Tribunal was as under :

"Whether the demand for reinstatement by the workmen was made on the management? If so, its effect"

The demand in that case by the union was that there is no lockout and the union requested the government for getting the lockout lifted. The Tribunal in that case held that the demand for lifting of a lockout did not contemplate the alleged illegal termination of the services of the concerned workmen. This Decision of the Industrial Tribunal was upheld by the Delhi High Court in that case. In this manner the Delhi case cited above was change of stand by the union during the proceedings before the Tribunal. Here is not that case. In case before us conciliation proceedings were already going on and during those proceedings a situation developed when the workers were to go on work on 1st January, 1981. The union requested the conciliation Officer to make failure report when the management did not turn up during the course of proceedings after 1st January, 1981. In such a situation in my view raising of the demand was not necessary and the reference can very well have made. Hence this part of the preliminary objections is also not sound.

10. Now remains the objection whether there existed an industrial dispute in as much as the management did not refuse the workers to work on 1st January, 1981 and this factual aspect having been left out the order of reference, the reference is competent.

11. Before we examine the legal position, it would be useful to refer the facts of the case. As already noted the original dispute raised on behalf of the union was about strike since 17th October, 1980 in the mines. Thereafter during the course of conciliation proceedings the situation developed giving rise to present reference. In the minutes of discussions held on 26th December, 1980, following is recorded :—

"The management's representative have refuted the charge of the Union's allegation/contention as baseless and wrong and he has produced the list along-with copies of letters sent to the workmen who according to them have been absenting. The contention is that they have compiled with the advice given by the ALC in the last meeting on 12th December, 1980 and still the workers are not coming to work and they are absenting."

In view of the different revisions of the parties the ALC advised the representatives of the workmen to send the workmen for duty on 1st January, 1981 as the usual reporting time and the representative of the management agreed to be at the spot of that day at the appointed time. In case any worker refused to work by the management the Union is free to raise an issue before the ALC in respect of those workmen."

12. What happened on 1st January, 1981 and what is the version of the different parties is stated in the failure report dated 15th April, 1981 in the following words :—

"I, therefore, advised the representatives of the workmen to send the workmen for duty on 1st January, 1981 as the usual reporting time and the representative of the management agreed to be at the spot on the day at the appointed time. It was also made clear to the parties that in case if any workers is refused work by the employers, the Union is free to raise an issue before the A.L.C.(C) in respect of those workmen.

On 3rd January, 1981, I have received the telegrams. One was from General Secretary, HMS, Rajasthan Unit and another from the employers. The Union General Secretary stated that the workers who were on strike in the mines presented themselves on duty on the fixed time and date, but Shri Vishnu Mody refused to take them on work. He further stated in the telegram that he himself had gone there and the employers attitude are wrong. He, in this telegram, therefore, requested for fixing the conciliation proceedings before Seventh January, 1981. On the other hand the employers in their telegram informed that none of the workers turned up till 12.00 noon in accordance with the understanding reached on 26th December, 1980. The union has also submitted a letter on 1st January, 1981 received here on 6th January, 1981, a copy of which is enclosed at Annexure-V. Since again there was different version between the parties, I have fixed conciliation proceedings for 13th January, 1981 and the parties were informed of the same accordingly. This date was however, postponed to 23rd January, 1981 as requested by the parties.

On 23rd January, 1981, while the representative of the workmen was present, none attended on behalf of the employers although waited upto 16.30 hrs. The representative of workmen, thereafter pressed for the ex-parte failure report as according to him employer is adopting various tactics to demoralise the workmen to delay the matters.

Further submitted that the matter should be treated as 'Lockout' from the date the employer has stated that there is no strike in the mines.

In view of the above, no settlement was possible and hence an ex-parte failure report was recorded. A suggestion to refer the dispute for arbitration or adjudication was made to the workmen's representative, and the same was agreeable to him. But it was not possible in the absence of the employer.

However, after concluding the proceedings on 23rd January, 1981, a telegram was received from the employers at 17.20 hrs, sent to me on the next day. In the telegram they have stated that the Director is held up at Delhi in case of Foreign Trade and hence requested for adjournment and fixation of the proceedings on 6th February, 1981. To accommodate the employers in the interest of a settlement of the grievances of the workmen, the employers were requested to attend the proceedings on 5th February, 1981, but none attended nor sent any intimation to this effect. Accordingly, this report is being submitted taking into consideration the proceedings of 23rd January, 1981."

From the above narration, it is quite clear that while the management of the opposite party throughout maintained that they never refused work to any worker on 1st January, 1981 and none actually appeared on the mines till 12.00 noon on that day 1st January, 1981. The case of the union was that they did appear but Mr. Vishnu Mody himself refused the workers to take them on work. The correspondence which transpired between the parties on the one hand and the Conciliation Officer on the other hand is on record and that also shows the same position. In this manner the real dispute between the parties was not whether refusal was justified, it was the factum of refusal that was in dispute. As has been held in various cases the Tribunal can go through the pleadings to ascertain the real dispute between the parties. On this point Minimax Ltd. vs. Its workmen 1968(I)

L.L.J. (369), and some of the observations in Jaipur Udyog Ltd. Vs. Cement Working Karamchari Sangh, 1972 (1) L.L.J. 437 may be seen. But it is also settled law that the Tribunal cannot widen the scope of reference. On this point Delhi Cloth and General Mills Company V/s. Their Workmen, 1967 I. L.L.J. (423), may be seen. In this case the reference was as under :—

- (1) Whether in calculating the bonus for the accounting year ending 30th June, 1965, the allocations separately made by the Delhi Cloth and General Mills Company, Ltd., towards the capital and reserves of the Delhi Cloth Mills and Swatantra Bharat Mills the two units of the company is fair and reasonable? If not, what directions are necessary in this regard?
- (2) Whether the workmen of these mills are entitled to bonus at a rate higher than 6 per cent of the wages for the accounting year ending 30th June, 1965? If so, what directions are necessary in this regard?
- (3) Whether the strike at the Delhi Cloth Mills and the lockout declared by the management on 24th February, 1966 are justified and legal and whether the workmen are entitled to wages for the period of the lockout?
- (4) Whether the 'sit-down' strike at the Swatantra Bharat Mills from 23rd February, 1966 is justified and legal and whether the workmen are entitled to wages during the period of the strike?

All the four unions contended before the Tribunal that there was no strike at the Delhi Cloth Mills and at Swatantra Bharat Mills.

Two unions contended that there was a strike while the other two unions' case was that there was a lockout. The company contended that factum of strike was not a term of reference, hence no evidence should be allowed to be led on that point. The Tribunal rejected the contended in the following words :—

"It would be the duty of the Tribunal to decide whether there was a strike at Delhi Cloth Mills as covered by Issue (2) and whether there was a sit-down strike by Swatantra Bharat Mills as covered by issue (4)."

The Hon'ble Supreme Court quashed the order of the Tribunal and observed as under :—

"The third and the fourth terms of reference in the instant case are founded on the basis that there was a strike at the Delhi Cloth Mills and a sit-down strike at the Swatantra Bharat Mills and that there was a lockout declared by the management of the Delhi Cloth Mills on 24th February, 1966. On the order of reference, it was not competent to the workman to content before the Tribunal that there was no strike at all; equally, it was not open to the management to argue that there was no lockout declared by it. The parties would be allowed by their respective statement of cases to place before the tribunal such facts and contentions as would explain their conduct or their stand, but they could not be allowed to argue that the order of reference was wrongly worded and that the very basis of the order of reference was open to challenge. The cases discussed go to show that it is open to them to bring out before the tribunal the remonstrations of the dispute. But they cannot be allowed to challenge the very basis of the issue set forth in the order of reference."

"In our opinion, therefore, the tribunal had to examine issues (3) and (4) on the basis that there was a strike at the Delhi Cloth Mills and that there was a lockout declared with regard to the former as stated in the third terms of reference. It was for the Tribunal to examine the evidence only on the question as to whether the strikes were justified and legal. It then had to come to its decision as to whether the workmen were entitled to the wages for

the period of the lockout in the Delhi Cloth Mills and for the period of the sit-down strike at the Swatantra Mills."

13. If we compare the facts of that case with the facts of this case, the all material facts are similar except that in the Delhi Cloth Mill's case the reference was about strike and in this case the dispute is about lockout on account of refusal of the management to allow the workers to work on 1-1-81. Shri Bapna had argued that in a number of cases of termination the reference recites termination as a fact still the factum of termination is determined by the Tribunal and therefore, in this case also the management can very well lead the evidence about the factum of demusal inspite of the wordings of the reference. In my view, this contention is not correct in view of the ruling cited above. It depends upon the facts of each case whether evidence should be led on some factual aspect of the case inspite of vagueness of the term of reference. But in this case to my mind there is no doubt that the government in reference has not allowed any scope to the Tribunal to examine the factum of refusal. The fact of refusal has been treated as if the foundation of reference and in such a situation to examine the factum of refusal would be widening the scope of reference which the Tribunal is not competent. On this point two other cases Jaipur Udyog Ltd. Vs. Cement Works Karmachari Sangh, 1972 (1) L.L.J. (437) and workman of Mysore Paper Mills Vs. Management, Mysore Paper Mills, 1970 Lab. I.C. (1113) may also be referred to.

14. If the Tribunal cannot examine the factual aspect of the refusal by the management then there remains no real dispute before the Tribunal to decide. And in that sense it can be said that there is no industrial dispute or atleast no real dispute before the Tribunal to be decided. At the cost of repetition it may be stated that the dispute is very really there but unfortunately due to inappropriate wordings of the terms of reference it has been left out by the government. As held in Bombay Union of Journalists Vs. State of Bombay A.I.R. 1964 (S.C.) 1617, the Government is not precluded from considering *prima facie* the merits of the dispute and refuse to refer the dispute under Section 10. The following observations in para 6 are quite pertinent :—

"It is true that if the dispute in question raises questions of law, the appropriate Government should not purport to reach a final decision on the said questions of law, because that would normally lie within the jurisdiction of the Industrial Tribunal. Similarly, on disputed questions of fact, the appropriate Government cannot purport to reach final conclusions, for that again would be the province of the Industrial Tribunal. But it would not be possible to accept the plea that the appropriate Government is precluded from considering even *prima facie* the merits of the dispute when it decides the question as to whether its power to make a reference should be exercised under S. 10(1) read with S. 12(5) or not. If the claim made is patently frivolous, or is clearly belated, the appropriate Government, may refuse to make a reference. Likewise, if the impact of the claim on the general relations between the employer and the employees in the region is likely to be adverse, the appropriate Government may take that into account in deciding whether a reference should be made or not. It must, therefore be held that a *prima facie* examination of the merits cannot be said to be foreign to the enquiry which the appropriate Government is entitled to make in dealing with a dispute under S. 10(1), and so, the argument that the appropriate Government exceeded its jurisdiction in expressing its *prima facie* view on the nature of the termination of services of appellants 2 and 3, cannot be accepted."

14. But in this case the failure report which is the basis of the reference does not show that the Conciliation Officer *prima facie* reached the conclusion about the fact of refusal of the management to take workmen on duty on 1st January, 1981. The Conciliation Officer has clearly stated that there was different version between the parties. Both the parties had sent telegram on 1st January, 1981 stating their versions. It was not suggested during the course of arguments that the Conciliation Officer or any other officer for that matter held any further enquiry in the case to ascertain

whether in fact the management refused to take workers on duty. Hence there was no material before the Government to assume that the management did refuse the workers to take on duty. In such a situation although it appears to be a mistake of drafting of the order, still the terms of reference do not allow any scope to the Tribunal to enquire the factum of refusal by the management to take workers on duty.

15. In this manner the real dispute having been left out in the terms of reference for no valid reason the reference becomes incompetent. It would be a waste of time to proceed further in the case. The reference is, therefore, rejected.

16. Let the requisite copies of the order be sent to the Central Government for information.

RAM RAJ LAL GUPTA, Presiding Officer
[No. L-29011/14/81-D.III.B]
SHASHI BHUSHAN, Under Secy.

New Delhi, the 7th July, 1982

S.O. 2533 —In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 3 Dhanbad in the industrial dispute between the employers in relation to the management of Ghanshyam Colliery of Messrs Eastern Coalfields Limited, and their workmen, which was received by the Central Government on the 30th June, 1982.

[No. L-19012(33)/79-D.IV(B)]
S. S. MEHTA, Desk Officer

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No. 3, DHANBAD

Reference No. 109/80

PRESENT :

Shri J. N. Singh, Presiding Officer

PARTIES :

Employers in relation to the management of Ghanshyam Colliery of Eastern Coalfields Ltd., P. O. Baktanagar, Dist. Burdwan (West Bengal).

AND
Their workman.

APPEARANCES :

For the Employers — Shri N. Das, Advocate.

For the Workman — Sri S. Roy and Sri B. N. Tewary.

INDUSTRY : Coal. STATE : West Bengal

Dated, the 24th June, 1982

AWARD

The Govt. of India in the Ministry of Labour in exercise of the powers conferred on them U/s. 10(1)(d) of the Industrial Disputes Act, 1947 referred the dispute to the Central Govt. Industrial Tribunal-cum-Labour Court, Calcutta for adjudication. Subsequently by Order No. S-11025 (4)/80-D. IV(B) dated the 14th/17th November, 1980 the dispute has been transferred to this Tribunal for adjudication.

SCHEDULE

“Whether the action of the management of Ghanshyam Colliery, Eastern Coalfields Ltd., in not allowing Shri Ram Kebal Gope, Underground Loader to join his duty with effect from 12th August, 1974 is justified. If not, to what relief is the concerned workman entitled ?”

2. According to the case of the union Sri Ram Kebal Gope the concerned workman was employed in Western Kazora Colliery now known as Ghanshyam Colliery some time in the year 1964 and was working as a permanent loader. It is stated that he went to his native place in U.P. with authorised leave from 6-3-1974 to 24-3-1974 and while he was on leave he fell sick and applied for extension of leave with medical certificate on 26-3-1974 and 14-4-1974 by re-

gistered post. The management did not send him any intimation regarding the grant or otherwise of the leave prayed for and from then silence the workman was under the impression that his prayer for extension of leave on medical ground was granted. The workman subsequently also sent some applications for extension of leave on medical ground. It is then alleged that the management for the first time admitted the receipt of one of the leave application of the workman dated 14-4-1974 through their letter dated 5-8-1974 by which the workman was asked to report to Colliery Medical Officer for treatment immediately. It is stated that on receipt of the aforesaid letter the workman came from his native place and reported to the Colliery Medical Officer on 12-8-1974 who advised him to join duty. The workman saw the manager and prayed for permission to join his duty but no permission was given. The workman therefore by his letter dated 14-8-1974 requested the Manager to allow him to resume his duty and he also approached several times and thereafter sent another reminder on 26-8-1974 to the Manager but to no effect. The union also took up his case with the management and made written representations dated 30-10-74 and 18-12-75 but no final decision was taken by the management and after waiting for a long time the union raised the present industrial dispute before the A. L. C. by letter dated 1-2-1979. The demand was also placed and when the conciliation failed the present reference was made.

3. It is submitted that the action of the management is illegal and unjustified and malafide as no chargesheet was drawn against the workman nor any explanation was called for from him for his alleged absence and the order of discharge without compliance with the provisions of Sections 25F & 25G of the Industrial Disputes Act is against law and illegal. It is therefore prayed that the concerned workman should be allowed to resume his duty with full back wages from 12-8-1974 with continuity of service.

4. The defence of the management is that the concerned workman worked only for 3 days in the month of March, 1974 and reported sick for 6 days in the said month and thereafter remained untraceable from the colliery. He never sent any application for extension of his leave nor any application for leave was received and finally the management after waiting for a long time till 28-10-1974 struck off the name of the concerned workman from the rolls of the company. It is submitted that the concerned workman along with 12 other persons were absenting from their duties and it became quite evident that the concerned workmen were not interested in the employment and hence it was treated as abandonment of their employment and hence the order of striking off from the rolls was passed. It is also submitted that for the first time the concerned workman showed his concern for his employment in the year 1979 by sending his representation through the union to the A. L. C. and as Sri Gope had lost all interest for his job the action of the management is fully justified. The alleged representations made by the concerned workman have all been denied.

5. On the above grounds it is prayed that the reference be decided in favour of the management.

6. The point for consideration is as to whether the action of the management in not allowing the concerned workman to join his duty with effect from 12-8-1974 is justified. If not, what relief is he entitled.

7. The concerned workman has examined himself as WW-1 and he has stated that he went home after taking due leave. In support of it the concerned workman has filed Ext. W-1 which is the leave application filed by him praying for leave from 6-3-74 to 24-3-74. Though the workman had stated that he went home after obtaining authorised leave but Ext. W-1 would show that as no leave was due to him it was refused. Thus it is clear that the workman went home without obtaining any permission or leave from the management. The workman however has filed Ext. W-2 which is registration receipt showing that from the village he had sent application for extension of his leave by registered post. The copy of the said application, however, is not on the record but according to the workman he had sent applications for leave by registered post on 26-3-74 and 14-4-74. The management has denied to have received any such letter but Ext. W-3 which is a letter dated 5-8-1974 sent by the Manager to the concerned workman to his home address would show that the application of the workman dated

14.4-74 had admittedly been received by the management and on receipt of the said letter dated 14-4-74 as late as on 5-8-74 the management informed him that his prayer for extension of leave on medical ground cannot be acceded to and he was therefore asked to report to Colliery Medical Officer for treatment immediately. According to the workman on receipt of this letter he went to the Medical Officer who reported him fit for duty and then he met the manager but the manager did not allow him to resume his duty. Shri Ramadhir Singh MW-1 is the Sr. Personnel Officer who has stated that the concerned workman never reported for duty before him but this fact does not appear to be convincing. Ext. W-4 is a letter dated 26-8-74 sent by the concerned workman under certificate of posting informing the manager that on receipt of his letter he came to the colliery and approached him for duty but his request is not being complied with. Ext. W-4/1 is the certificate of posting showing that this letter was sent to the management by under certificate of posting WW 2 is Sri B. N. Tewary, General Secretary of the union who has stated that this letter Ext. W-4 was drafted by him. Ext. W-5 is another letter dated 14-8-74 purported to have been sent by the concerned workman to the Manager making the same request. It is thus clear that despite of the above letters the manager did not allow the concerned workman to join his duty.

8. The concerned workman was not satisfied with above and then he approached the union who sent a letter (Ext. W-6) dated 3-10-74 to the General Manager, Area No. IV stating that since August'74 the concerned workman was praying that he should be allowed to join his duty but he was not permitted to do so and the management should allow him to join his duty. This letter was sent to the Manager under certificate of posting Ext. W-6/1. Another letter is purported to have been sent by the union on 18-12-75 making the same prayer. The last letter was sent on 6-8-77 (Ext. W-8) which was duly received by the management vide Ext. W-8/1 acknowledgement. Thus from the above letters bearing Ext. W-8 it will appear that in the year 1974 and 1975 the workman himself and through his union made several representations before the manager praying to permit him to join his duty but he was not allowed.

9. According to the management, however, no applications were ever received. But this is not correct in view of the documents referred to above.

10. The matter was then taken before the A. L. C. to which the union wrote a letter in February, 1979. The conciliation started and when it ended in failure report Ext. W-10 was sent by the A. L. C. to the Labour Ministry by letter dated 19-7-1979.

11. From the above facts and circumstances it is apparent that the workman went to his native village in March'74 though according to Ext. W-1 no leave was granted to him. He however continued to remain absent till August, 1974 when he came and reported for duty. Now even if it is conceded for the sake of argument that the workman had absented himself without prior permission and leave for more than 10 days, the proper course for the management was to draw up a proceeding against the workman and dismiss or discharge him for the act of misconduct after holding a proper enquiry. No chargesheet was ever issued nor any domestic enquiry was held.

12. According to the management as it was a case of abandonment the name of the concerned workman was struck off from the muster rolls. Ext. M-2 is a notice dated 29/10/74 which says that the workers named in the notice were absenting without intimation and as such their names have been removed from the rolls. This notice was under the signature of the Manager and Agent and the name of the concerned workman is entered in it. Thus it is admitted that the name of the workman was struck off from the rolls.

13. The question however is as to whether the management has been able to prove that as it was a case of abandonment of service the name was struck off. The standing order of the management does not provide that the name of a worker can be struck off from the rolls on the ground of abandonment of service. There is no such condition in the standing order. It is well settled that the meaning of abandonment of service is total or complete giving up of duties indicating intention not to resume the same. The failure to perform duties pertaining to office must be with actual or imputed intention on the part of the workman to abandon and relinquish the office and the intention may be inferred from the acts and conduct of the party. Temporary absence is not ordinarily sufficient to constitute an abandonment. There must be total or complete giving up of duties so as to

indicate an intention not to resume the same. To support this view reliance may be placed on a ruling of the Supreme Court reported in 1979 F. L. R. page 95. In the present case however there is no evidence to show that the intention of the workman was to abandon his service. No doubt he had absented himself for long without any permission or leave but after sometime he insisted for joining his duty. He sent applications admittedly by registered post to the management dated 14-4-74 which was received by the management and the management gave a reply to it by Ext. W-3 dated 5-8-74. The workman, as the evidence goes, came to the colliery on receipt of the above letter of the management and approached the manager. He also sent application Ext. W-4 to the manager under certificate of posting (Ext. W-4/1). He also sent another application Ext. W-5. He was not satisfied with that and then he got a letter written by the General Secretary of the union to the Manager which is dated 3-7-74 and marked Ext. W-5. This letter was sent under certificate of posting and the postal receipt is Ext. W-6. All the above documents thus clearly indicate that till atleast 3-10-74 the workman was pressing for permission to join his duty but it was apparently not allowed. The notice striking off the name of the concerned workman is dated 29-10-74 that is much after the above letters and representations sent by the concerned workman. In presence of the above letters and representations, therefore, it can on no account be held that the concerned workman had abandoned his service as the management had no proof regarding it. Rather the documents indicated otherwise. In such circumstances the action of the management in treating the case as abandonment of service and striking off the name on 29-10-74 is illegal and unjustified. The matter would have been otherwise if the concerned workman would have been dismissed or discharged after holding a domestic enquiry for alleged misconduct for remaining absent for more than 10 days without leave or permission.

14. The next question is as to what will be the effect of striking off the name of the workman. It has been held in the ruling reported in 1977 Lab. I. C. that striking off the name of a workman from rolls amounts to retrenchment and the said retrenchment is illegal and invalid unless mandatory provisions of Section 25F (a) & (b) are complied with. The same view has been expressed in another ruling of the Supreme Court reported in 1977 F. L. R. page 353 in which it is held that striking off the name of workman from roll amounts to retrenchment and if the mandatory provisions of Section 25F (a) & (b) of the I.D. Act are not complied with the order of striking off the name of the concerned workman must be held to be illegal and unjustified. There is another recent ruling of the Supreme Court on the same point reported in 1982 F. L. R. page 250.

15. Admittedly in the present case mandatory provisions of Section 25F (a) & (b) of the I. D. Act have not been complied with and as the striking off the name of the concerned workman amounts to retrenchment the provisions of Section 25F was a must and it should have been complied with by the management. As the above provisions were not complied with the order of striking off the name of the concerned workman must be held to be illegal and unjustified. The action of the management, therefore, in not allowing the concerned workman to join his duty from 12-8-74 is fully unjustified.

16. The next question is as to what relief the concerned workman is entitled. It is true that the union represented the case of the workman in the year 1974 and 1975 and also in 1977 by the industrial dispute was raised in the year 1979 by letter Ext. W-9 dated 28-2-79. As inordinate delay was thus caused by the workman or the union in raising an industrial dispute, therefore for the above facts the concerned workman cannot take any advantage.

17. In the circumstances of the case it will be just and expedient in the interest of justice that the concerned workman should be allowed to join his duty immediately and he should also be paid his back wages with effect from 28-2-79. He is not entitled to any wages prior to that.

18. To sum up, I hold that the action of the management in not allowing the concerned workman to join his duty with effect from 12-8-1974 is unjustified and the concerned workman is entitled to join his duty immediately with full back wages from 28-2-1979.

19. I give my award accordingly

J. N. SINGH, Presiding Officer
File No. T-19012/331/79 D IV(B)
S. S. MEHTA, Desk Officer

New Delhi, the 29th June, 1982

S.O. 2534.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes that following award of the Central Government Industrial Tribunal, Bangalore in the industrial dispute between the employees in relation to the management of Bharat Gold Mines Ltd., K.G.F., Karnataka and their workmen, which was received by the Central Government on 26th June, 1982.

**BEFORE THE INDUSTRIAL TRIBUNAL IN
KARNATAKA BANGALORE**

Dated this the 21st day of the June, 1982

PRESENT :

Sri V. H. Upadhyaya, B.A., LL.B., Presiding Officer
Central Reference No. 5 of 1975

I PARTY :

Workman represented by The Secretary, Myore Mines Workers Union, Marikuppam, K.G.F., Karnataka State.

vs.

II PARTY :

The Chairman-cum-Managing Director, The Bharat Gold Mines Ltd., Oorgaum, K.G.F. Karnataka State.

APPEARANCES :

For the I Party—Sri S. Ramakrishna, Advocate, Bangalore.
For the II Party—Sri K. J. Shetty, Advocate and Legal Adviser, Bharat Gold Mines Ltd., 115, Sampige Road, Muleswaram, Bangalore-3.

REFERENCE

(Government Order No. L-29012/25/74-LR. IV
dated 3-3-1975)

AWARD

The Central Government has made a reference of the dispute between the parties for adjudication on the following points :

"Whether the action of the management of Bharat Gold Mines Limited, Oorgaum, Kolar Gold Mines Fields in dismissing Shri V. Ramachandran, Assistant Plaster Champion Reef Mine is justified? If not, to what relief is the workman entitled?"

2. The I Party workman has submitted a statement contending that there was a charge framed against him with vague allegation of having admitted a lady other than his mother in the B.G.M.L. Hospital for treatment and thus he committed dishonesty in connection with the employer's business and without issuing a charge-sheet to him or show cause notice, an enquiry was held which was also vitiated and though the evidence was quite insufficient to conclude that the charge was established an order of dismissal was made holding that the charge was established against the workman. According to him, one Srinath, Chief Mining Officer had a personal grouse against the workman and at his instance a false charge was framed and a show of an enquiry was made. His past clean records was not considered and though he was no guilty of misconduct the extreme punishment of dismissal was made. There was no proper authority for the Deputy General Manager to pass the order of dismissal and the mandatory requirements of the Standing Orders were not complied with when holding an enquiry or imposing the punishment. There was no proof of any dishonest intention of the workman in admitting the woman Kannamma to the hospital as his mother for treatment.

3. The II Party submitted its statement to say that the workman had admitted on 19-9-1973 one woman for treatment misrepresenting her to be his mother and got treatment for her till 12-11-73 and this amounted to a misconduct on his part under the Standing Orders. A show cause

notice and summons to attend the enquiry was issued to him, but he refused to receive the same but attended the enquiry. He was given the full opportunity to defend himself. He had given the name of Kannama as his mother as a nominee in the Provident Fund form on 1-11-72 giving her age as 65 years on 1-11-62. But on 19-9-73 he got one woman Kannamma admitted in the hospital giving her age as 48 years. A proper enquiry was held in this regard and it was concluded that the workman was found guilty of the charge and finally he was dismissed by a proper authority and after issuing of a second show cause notice on 20-5-74 and after considering his reply thereto. It is added that the enquiry was properly conducted and the punishment imposed was also proper as the misconduct was a grave one.

4. My learned predecessor considered the question of the validity of the domestic enquiry as a preliminary issue and passed an order dated 23-6-1978 holding the same to be invalid.

5. The management produced evidence in support of the charge and examined 5 witnesses on its behalf. The charge-sheet or show cause notice issued is not marked in evidence. However there is a copy of the said show cause notice in the file. The charge-sheet is dated 1-1-1974. It is relied on by the pleader for the I Party to contend that there is a note below it to say that the above show cause notice was issued in cancellation of the Show Cause Notice issued on 26/28-11-73. According to him, there is no provision in the standing orders for issue of a charge-sheet for the second time by cancelling the earlier one. The earlier charge-sheet issue is not produced by either party. There is nothing wrong in amending the charge-sheet in any way if it is found to be defective. The present charge-sheet being the one alleging an act of misconduct, the question as to whether the management has established such a charge has to be considered and it cannot be said to be a defective on the ground that some earlier charge-sheet was cancelled.

6. The allegation in the charge-sheet is that the workman had, dishonestly, in connection with the employer's business, admitted one woman who is not entitled for free treatment as an inpatient at the K.G.F. Hospital for pulmonary T.B. misrepresenting the hospital officials that she is his mother Kannama and obtained free treatment for her till 12-11-73 although she is not his mother and thus committed a misconduct in breach of Standing Order No. 14(1)(ii)(d). MWs 1 and 2 who are working as a Watchman and Watch & Ward Guard gave evidence to say that the workman had admitted one lady in the hospital as his mother and later told them that she was his mother-in-law. According to MW-1 he went and asked the lady in the bed as to who was and she told to him that she is the mother-in-law of the workman. He adds that when he went to the house of the workman on that day he found the mother Kannamma in the house. According to MW-2, he also questioned that lady and she told that she had given her daughter in marriage to the workman. When he reported the matter to the Chief Security Officer, the latter took him to the house of the workman 2 days later along with the Health Officer of the K.G.F. and found the mother of the workman there and came back. MW-3 is the Medical Officer in the hospital who says that on 17-9-73 the workman had brought a woman, aged about 48 years as his mother to the hospital and produced his identity card and a chit from the overseer regarding the woman's identification as the workman's mother. He says that he admitted the lady by name Kannamma as the mother of the workman and the age was given as 48 years. According to him MW-2 came and complained before the R.M.O. on 6-11-73 that the woman brought by the workman was not his mother and when the R.M.O. asked the workman to produce evidence about it, he brought a certificate as in Ext. M-1 from the Senior Health Inspector of Robeisopet Town Municipality to say that he lady admitted was Kannamma who is the mother of the workman Ramachandran. A letter was addressed by R.M.O. to the Health Inspector to make further enquiry and the Health Inspector sent a reply after enquiry as in Ext. M-3 withdrawing his earlier letter Ext. M-1. MW-4 is the Security Officer who says that he had gone with MW-2 and the Health Officer to the house of the workman on the information that the woman admitted in the hospital was not the mother of the workman and he found the mother inside the house and he gave a report to the R.M.O. of the hospital. The R.M.O. sent for that woman in the house and took a

statement from her as in Ext M-5 to say that she is the mother of the workman. According to him, the woman brought to the hospital by MW-2 was aged 60 years and was a widow as she was not wearing a Thali and a female patient who was brought was aged about 50 years and was wearing a Thali. MW-5 is the clerk in the Provident Fund department and has produced Ext. M-6 as declaration and nomination by the workman in respect of provident fund form which the name of the workman was shown as Kannamal, aged about 65 years.

7. As regards the above evidence, the workman has examined on his behalf himself and two ladies Kanugamma and Kannamma. According to him, Kangamma is his real mother and he was given adoption by her to her sister by name Kannamma and his adoptive mother was Kannamma he had got her admitted in the hospital for free treatment. The said Kangamma and Kannamma examined as WWs-1 and 2 spoke in support of his statement.

8. The question for consideration is as to whether the workman had committed dishonesty in connection with the employer's business or property in getting the treatment for Kannamma (WW-2). It is not denied or seriously disputed that it is WW-2 herself who got the treatment of illness. The management is content by contending that the lady brought to the hospital was not the mother of the workman. It further contends that an adoptive mother cannot get any treatment from the hospital. As a matter fact, there is no provision giving any indoor treatment in the hospital to any relative other than the wife, sons not employed and un-married daughters. For the dependent parents of an employee only out-patient treatment is to be authorised by the Chief Medical and Sanitary Officer for every case as can be made out from Ext. M-4. Hence if the dependent parents whether natural or adoptive cannot be admitted in the hospital for indoor treatment, it is more mischief played by the hospital authorities in getting her admitted than the workman himself to get himself treatment for WW-2. If they had told at the time of admission that the mother whether natural or adoptive cannot get treatment as per rules the workman could not have got her admitted and he would not have faced these consequences. But if out of some humanitarian concession the officials in the hospital had given treatment to WW-2 produced by the workman as his mother it cannot be said that the workman had committed any dishonest act in connection with the employer's business or property. If he has taken WW-2 for treatment he was not violated any rules and it is the medical authorities who violated Ext. M-4 in admitting her. Hence, the blame of contravention of Standing Order 14(1)(ii)(d) cannot be squarely placed on to the shoulders of the workman.

9. The learned pleader for the management tries to advance an argument by pointing out that WW-2 could have been the adoptive mother of the workman. According to him the age of the mother is given by the workman in Ext. M-4 which is his declaration and in nomination form for the Provident Fund as 65 on 1-1-1962 and in such a case on 19-9-1973 her age would be about 76 and can never be 48 as noted by MW-3 in the admission register. If MW-3 does not claim to have tested the age of the patient before admitting her in the hospital, he must have accepted the age given by the patient or this workman without any further verification. Unsophisticated workers or their relatives will be ignorant of their age and would be giving the age at random and there cannot be made much of to fix the age of anybody without any further verification. This is evident from the fact that in Ext. M-6 the date of birth of the workman is given as in the year 1939 by which we can estimate his age as at the time of deposition in the year 1980 as 41 years, but he has given age as 22 years. At the end of his deposition my predecessor has noted "I have found the witness while giving evidence answering the questions with difficulty and with inconsistency and by taking the help of someone. The witness does not appear to be of normal intelligence". WW-2 had given her age in her deposition as 55 years. In the year 1973, her age would be 48 years. Hence if she claims that she was the lady admitted in the hospital, there is no reason to disbelieve her when especially there is no direct evidence on behalf of the management that she is not the lady admitted in the hospital. It is only sought to be made out by the management that the mother of the workman was aged more than 48 years at the time of her

admission and in fact she was not the lady, that had the treatment it is the case of the workman that he did not take his natural mother who is examined for treatment. Hence WW-2 who was his adoptive mother for treatment. Hence it MWs-1, 2 and 4 had seen the natural mother of the workman in the house there is no wonder as the workman claims WW-2 as his adoptive mother and he had taken her for treatment.

10. It is argued by the learned pleader that the case of adoption is unacceptable as there is no proof of any home or any other ceremony or any registered document to prove this adoption. The Tribunal cannot insist on a proof of adoption in this case is required in a case coming under Hindu Law where rights of the parties are to be decided. For people of the class as the workman or his mother it is possible that the sister of the mother could have taken as the child with her for bringing up as she was issueless and he may be calling her as mother and might have made known to the outside world that she is the mother. The fact that a certificate as in Ext. M-1 is given by the Health Officer that Kannamma is the mother would only show that she was accepted as the mother by all concerned and the enquiry was set up at the instance of some body to show that she was not the mother to harm the workman.

11. The learned pleader for the II Party points out that if WW-2 is to claim that she took the workman in adoption when he was at the age of 3 months it would mean that she must have taken him in adoption at her age of 14 years which is unbelievable. She says in her evidence that she took him in adoption as she had no issues and her husband had gone away somewhere neglecting her. If the age is given without much seriousness as such working class people ordinarily do it is possible that WW-1 her elder sister she might have passed on one of her children to the hands of WW-2 to be brought up even in her young age as that lady was alone without her husband. Hence the case of adoption set up by the workman cannot be said to be a false theory made out. Further as pointed out above if no other whether natural or adoptive can get treatment under Ext. M-4 it is not the workman who is to be blamed if hospital authorities had given indoor treatment. Even if Ext. M-4 is to be interpreted as to mean that dependant parents are entitled to indoor treatment also, when there is no specification that they should be natural parents and not adoptive parents it cannot be said that the workman had any dishonesty in getting admitted his adoptive mother for treatment.

12. Ext. M-5 is produced by the management as a document on their behalf. But it is a document which would help the workman to show his bona fides. The natural mother WW-1 had stated before the RMO that after his birth, she had handed over the child to WW-2 and it was WW-2 alone who was bringing up the child and was being looked after by the workman as his mother. She had also stated that the workman had married a girl from Bangalore and she does not know her address. If it is the case of management that the workman had told MW-1 and 2 that the said patient was his mother-in-law, the management ought to have produced evidence to say that she was his mother-in-law and not adoptive mother. If he has invented and produced evidence to show that he had got the treatment for his adoptive mother in all bona fide, for her T.B. and without any intention to defraud anybody, it has to be accepted.

13. It is pointed out by the learned pleader for the I Party that misconduct referred to in Standing Order 14(1)(ii)(d) is of theft, fraud or dishonesty in connection with the employer business or property. According to him the dishonesty contemplated therein is in regard to the materials of the employer and getting treatment for the adoptive mother cannot be said to have been caused loss to the management in business. He points out that MW-4 states in his evidence that unofficially he had come to know that some other employee have got admitted certain non-entitled patient and later on when enquiry was held they made good the expenses incurred by the II Party. Rule 10 of the Bulletin Ext. M-4 also produced would say that misuse of family card, impersonation and other malpractice will result in stoppage of hospital facilities. Hence a punishment of stopping hospital facilities or recovery of the loss caused to the management would have been more than sufficient in the instant case and it

has to be held that it is shockingly disproportionate to impose a penalty of outright dismissal than out right business. In the decision in *Lakshmi Motor Company vs. Labour Court 1967 II LLJ 180* it has been observed that when the punishment is found to be shockingly disproportionate the Tribunal may treat the imposition of such punishment as victimisation or unfair labour practice.

14. It is argued on behalf of the I Party that the charge is vague. According to the workman when he has admitted WW-2 as is mother and now claims her to be as his adoptive mother it is for the management to establish that he is not so and there should have been a specific allegation in the charge sheet that the woman admitted was not the mother and there is any specific rule to say as to who are entitled to free treatment and who are not. It has to be held that the charge-sheet is vague in this regard and that even before this Tribunal no direct evidence is adduced to show that as to who that woman who was admitted was, if not, WW-2 who is claimed to be the adoptive mother.

15. If, in fact, MWs-1 and 2 had detected that the patient who got treatment was not the mother of the workman and had reported so to the Chief Security Officer within two days of her admission there was nothing preventing the hospital authorities to have thrown her out of the hospital and taken immediate action. There is no satisfactory explanation on behalf of the II Party as to why the treatment was continued for her for two months. Ext. M-1 is produced as the certificate by the Health Officer that the patient is the mother of the workman the enquiry would appear to have been started by writing a letter as in Ext M-2 to the Health Officer on 2-11-73. The Health Officer is not examined to say that it was not WW-2 who was brought before him and he had issued a certificate Ext. M-1 without verification. Hence, Ext. M-3 cannot be accepted as sufficient to disbelieve the evidence of the workman without subjecting the Health Officer for cross-examination and to speak to the contents of Ext. M-3. Hence it has to be concluded that the management has failed to establish that the I Party workman had committed dishonesty in connection with the employer's business or property and has violated the Standing Order 14(1)(ii)(d).

16. For the contention raised by the I Party that the officer who passed the order of dismissal had no power to do so, there is an assertion by the management in its counter statement that he had such power. The order of dismissal is signed by the Acting Deputy General Manager/Agent. Under Standing Order 14(2)(c) it is the employer who has to pass the order of dismissal. The word 'employer' is defined in the Standing Orders as the Government of India, The Kolar Gold Mining Undertakings. Standing Order 15(2) would give power to the Superintendent or the Head of the Department concerned to impose any lesser punishment than dismissal. But when it is the case of dismissal, it is only the employer that has to give such punishment. The learned pleader for the management submitted at the time of his argument that there are orders issued by the management empowering the Acting Deputy General Manager/Agent who is the Head of the Department to impose the punishment of dismissal and he has not produced them as the authority are not seriously disputed. It cannot be made out as to what is the serious dispute that has to be urged than by challenging it in their claim statement. In any way, even if there are orders empowering officials to impose punishment of dismissal that will be against the provision of Standing Order 14(2)(c). The said provision does not empower the employer to delegate the power of dismissal to any other subordinate official. It is the Government of India, the Kolar Gold Mining Undertakings that can dismiss the employee and none else in view of the above definition of employer. Hence the order of dismissal passed in the instant case is also wrong.

17. The learned pleader for the II Party argued that when the whole question of justifiability of the order of dismissal is before this Tribunal for consideration it can substitute its own order of dismissal in view of Section 11A of the Industrial Disputes Act. It is not a correct proposition as Section 11A of the Act does not empower the Tribunal to pass the order of dismissal when the authority to pass it had no power to do so.

18. For the foregoing reasons, it is held that the action of the management in dismissing the I Party workman is not justified and this point is answered accordingly.

19. So far as the reliefs to be given to the workman are concerned there is no evidence or even a plea on behalf of the management that he is otherwise gainfully employed on dismissal from service. Hence the management has to reinstate him in service with full back wages from the date of dismissal and all other benefits including continuity of service that he would get consequent to the setting aside of the order of dismissal. (vide decision in *Suresh Chandia Barad vs. State of Orissa 1982 Lab. I.C. 748*). The II Party shall also pay Rs 200/- as costs of these proceedings in view of the long pendency of the proceedings. Award passed accordingly.

V. H. UPADHYAYA, Presiding Officer
[No L-29012/25/74-LR-IV/DIII.B.]

New Delhi, the 2nd July, 1982

S.O. 2535.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bangalore in the industrial dispute between the employers in relation to the management of M/s. Dalmia International, Patel Nagar, Hospet P.O. Bellary District and their workmen, which was received by the Central Government on 29th June, 1982.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Bangalore, the 8th June, 1982

PRESENT :

Sri V. H. Upadhyaya, B.A., LL.B., Presiding Officer.
Central Reference No. 5 of 1974

I Party

Workmen represented by The President, Bellary District Mine Workers Welfare Union, Dalmia Unit Hospet P. O., Bellary District, (Karnataka State).

Vs

II Party

Shri A. Raju, Raising Contractor of B.R.H. Iron Ore Mines of M/s. Dalmia International, Patel Nagar, Hospet, P.O. Bellary District, (Karnataka State).

APPEARANCES :

For the I Party :

For the II Party: Sri B. T. Parthasarathy, Advocate, Bangalore.

Government Order No. L-26012/8/74-LRIV dt. 21-10-1974.

AWARD

The Central Government has made a reference of the dispute between the parties for adjudication on the following points.

"Whether the action of Sri A. Raju Raising Contractor of B.R.H. Iron Ore Mine of Messrs Dalmia International, Hospet, in terminating the services of Shri R. Venkataraju, Sorter with effect from the 31st March, 1974 without following the provisions of section 25F of the Industrial Disputes Act, 1947 (14 of 1947) is justified? If not to what relief is Sri R. Venkataraju entitled?"

1. One U. B. Teertharao claiming himself to be the President of the first party submitted a statement contending that the termination of services of the workman Venkataraju was illegal as there was no charge sheet or enquiry against him nor his services were terminated under Section 25F

of the Industrial Disputes Act. The said U.B. Teerharao later filed an application for impleading the Iron Ore Workers Union as a party alleging that the Dalmia Unit of the first party union was dissolved and the workmen had formed a new Union as the Iron Ore Workers Union of which he is the president. The said application was dismissed by this Tribunal by an order dated 24th June, 1976 holding that it was an individual dispute which was not converted into an Industrial Dispute by proper espousal by any Union. It has also observed that the individual workman can himself have his say as regards the reference and issued notice to the workmen. He did not appear inspite of several notices and finally a paper publication was ordered, yet he did not appear and take part in the proceedings.

2. The second party submitted its objection statement contending that the services were terminated as the same were no longer required by the second party and there was no question of any misconduct or an enquiry to be held over it. It also added that the workman was not a member of any Union and no Unions could espouse his cause.

3. On these pleadings the following issues were framed :—

1. Whether the second party is justified in terminating the services of Sri R. Venkata Raju.
2. Whether the reference is not maintainable for the reason that the first party does not represent the second parties workman.
3. Whether the reference is not maintainable for the reasons that the order of reference was not proceeded by a demand on the second party management.

DECISIONS AND REASONS

4. As there is no claim made by the first party workman before this Tribunal and it has already held that the Union have no right to represent his cause, it has to be held that the first party or the workmen have failed to establish that the termination of services of the workman R. Venkata Raju is not justified or that he is entitled to any relief. Hence the issues as well as the points of reference are answered against the first party. Award passed accordingly. No costs.

V. H. UPADHYAYA, Presiding Officer
[No. L-26012/8/74-LR-IV/D.III.B]
SHASHI BHUSHAN, Under Secy.

नई दिल्ली, 25 जून, 1982

का० आ० 2536—केन्द्रीय सरकार में यह समाधान हो जाने पर कि लोकहित में गैमा करना अपेक्षित था, श्रीशोभिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2, के खण्ड (३) के उपखण्ड (VI) के उपबंधों के अन्वयन में भारत सरकार के अम मंत्रालय की अधिसूचना का० आ० 158 तारीख 28 दिसम्बर, 1981 द्वारा उक्त अधिनियम की धारा 2 के खण्ड (३) में योग्यतावाचित बैंकिंग कम्पनी थार थालए जा रहे बैंकिंग उद्योग को उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा प्रोतिष्ठित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कानूनविधि को छू नाम की ओर कानूनविधि के लिए बदाया जाना अपेक्षित है;

अन्, अब श्रीशोभिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (VI) के परन्तु थार थाल शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 29 जून, 1982 से छू नाम की ओर कानूनविधि के लिए सौक उपयोगी सेवा प्रोतिष्ठित करती है।

[संध्या नम० 11017/9/81-शी०-१ (ए)]

New Delhi, the 25th June, 1982

S.O. 2536—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n)

of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.C. 158 dated the 28th December, 1981 the Banking Industry carried on by a banking company as defined in clause (bb) of section 2 of said Act to be public utility service for the purposes of the Said Act, for a period of six months, from the 29th December, 1981.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act; for a further period of six months from the 29th June, 1982.

[F. No. S-11017 9/81-D.O. I.A.]

का० आ० 2537—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में गैमा करना अपेक्षित था, श्रीशोभिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (VI) के उपबंधों के अन्वयन में भारत सरकार के अम मंत्रालय की अधिसूचना का० आ० 44 तारीख 19 दिसम्बर, 1981 द्वारा थार थाल सामग्री उद्योग में कार्यरत भारतीय थार निगम का० उक्त अधिनियम के प्रयोजनों के लिए 28 दिसम्बर, 1981 से छू नाम की कानूनविधि के लिए लोक उपयोगी सेवा प्रोतिष्ठित किया था,

और केन्द्र सरकार की राय है कि लोकहित में उक्त कानूनविधि को छू नाम की ओर कानूनविधि के लिए बदाया जाना अपेक्षित है;

अन्, अब श्रीशोभिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (vi) के परन्तु थार थाल शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 28 जून, 1982 से छू नाम की ओर कानूनविधि के लिए लोक उपयोगी सेवा प्रोतिष्ठित करनी दें।

[काल स० नम० 11017/12/81-शी०-१ (ए)]

S.O. 2537.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 44 dated the 19th December, 1981 the Food Corporation of India engaged in the Food Stuff Industry to be a public utility service for the purposes of the said Act, for a period of six months, from the 28th December, 1981.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 28th June, 1982.

[F. No. S-11017/12/81-D. I.A.]

नई दिल्ली, 28 जून, 1982

का० आ० 2538—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में गैमा करना अपेक्षित था, श्रीशोभिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (३) के उपखण्ड (VI) के उपबंधों के अन्वयन में भारत सरकार के अम मंत्रालय की अधिसूचना का० आ० 324 तारीख 13 अप्रैल, 1982 द्वारा थार थाल सामग्री संवया का० आ०

बोट मेस, देवास में सेवा को उन्नी अधिनियम के प्रवागतों के लिए 15 अक्टूबर, 1982 में उन मास की कालावधि के लिए नोक उपरोक्त में व्यापक किया था;

प्रोग केन्द्रीय सरकार की गवर्नर है कि उक्त कालावधि को उन मास की और कालावधि के लिए बढ़ाया जाना प्राप्तिक है;

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (३) के उपसंच (vi) के प्रत्यक्ष द्वारा उक्त अधिनियम का प्रयोग करने वाले केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोगतों के लिए 15 जूलाई, 1982 से १२ मास की और कालावधि के लिए नोक उपरोक्त में व्यापक करता है।

[मा० प्रा० 11017/11/81-ई-१ (ए)]
मा० प्रा० के० नारायणन, अवार मंत्रिव

New Delhi, the 28th June, 1982

S.O. 2538.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour No. S.O. 324 dated the 13th January, 1982, the service in the Bank Note Press, Dewas, to be a public utility service for the purposes of the said Act for a period of six months, from the 15th January, 1982;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now therefore, In exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 15th July, 1982.

[No. S-11017(11)81-D.I.(A)]

L. K. NARAYANAN, Under Secy.

नई दिल्ली, 26 जून, 1982

का० आ० 2539.—ठेका थ्रम (विनियम और उत्पादन) केन्द्रीय नियम, 1971 के नियम 3 के साथ पठित ठेका थ्रम (विनियम और उत्पादन) अधिनियम, 1970 की धारा 3 हार्ग प्रदस अविकारों का प्रयोग करते हुए, केन्द्रीय सरकार अधिसूचना संक्षया का० आ० 2111, तारीख 16 जूलाई, 1981 के साथ पठित भारत सरकार के थ्रम मंत्रालय की अधिसूचना संक्षया पा आ० 2087 तारीख 16 अगस्त, 1980 में निम्नलिखित संशोधन करती है, अधिनियम, 1950 की विवरण—

“उक्त अधिसूचना में, खंडक 1 के ग्रामों “प्रीमिनी गम तूलारी गिन्हा, अम गज्य मंदी” के स्थान पर “श्री धर्मराज, उक्त अम मंदी” ग्रामों को रखा जाए।”

[मा० प्रा० 16025/35/81-एस० इन्ड्य०]

वा० प्रा० अम्यर, अवार मंत्रिव

New Delhi, the 26th June, 1982

S.O. 2539.—In exercise of the powers conferred by section 3 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), read with rule 3 of the Contract Labour (Regulation and Abolition) Central Rules, 1971, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S.O. 2087 dated the 16th August, 1980 read

with notification S.O. 2111 dated the 16th July, 1981, namely:—

In the said notification, against Serial No. 1, “Shrimati Ramdulari Sinha, Minister of State for Labour”, the words “Shri Dharma Vir, Deputy Labour Minister” shall be substituted.

[S-16025/35/81-LW]

V. N. AIYER, Under Secy.

नई दिल्ली, 19 जून, 1982

का० आ० 2540.—केन्द्रीय सरकार, कर्मचारी राज्य धीमा अधिनियम, 1948 (1948 का 34) की धारा 91-के साथ पठित धारा 88 प्रामा प्रदस अविकारों का प्रयोग करने हए, और भारत सरकार के थ्रम मंत्रालय की अधिसूचना संक्षया का० आ० 1260, खंडक 17 अप्रैल, 1980 और संक्षया का० आ० 1703, खंडक 9 जून, 1980 के अनुक्रम में केन्द्रीय और औद्योगिक अनुसंधान परिषद्, नई दिल्ली की (1) गार्डीय ग्रामायनिक प्रयोगशाला, पूना, (2) राष्ट्रीय भौतिक प्रयोगशाला, नई दिल्ली, (3) गार्डीय वैमानिक प्रयोगशाला, बंगलौर, (4) प्रादेशिक अनुसंधान प्रयोगशाला, हैदराबाद, (5) केन्द्रीय खाद्य श्रीदूषिकों अनुसंधान संस्थान, सेवूर और (6) केन्द्रीय प्रौद्योगिक अनुसंधान परिषद् संस्थान, लखनऊ के स्थायी और अस्थायी कर्मचारियों को उक्त अधिनियम के प्रवर्तन से पहली जूलाई, 1980 से 30 सितम्बर, 1982 तक जिसमें यह वित सो मस्तिष्कित है, एक वर्ष की और अवधि के लिए छूट देती है।

2. पूर्वोक्त छूट की शर्त निम्नलिखित है, अधिनियम, 1950 के अधीन—

- (1) पूर्वोक्त वार्षिका, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रजिस्टर, जिसमें एक प्राप्त कर्मचारियों के नाम और पदाधिकार विवरण जाप्ते;
- (2) हम एक के हांसे हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी अविकारपूर्वक करने के लिए वे एक अधिसूचना द्वारा दी गई छूट के प्रत्यक्ष हांसे की नामीकृति में पूर्ण/मद्दत अभिवादी के आधार पर हकावाद हो जाए;
- (3) छूट प्राप्त अवधि के लिए यदि कोई अभिवाद्य पहले ही किए जा चुके हों, तो वे वापिस नहीं किए जाएंगे;
- (4) उक्त कारबाने का नियोगन, उम अवधि की बाबत जिसके द्वारा उम कारबाने पर उक्त अधिनियम प्रवर्तनान था (जिसे हमने इसके पश्चात् “उक्त अवधि” कहा गया है), एसी विवरणों परसे प्रलृप में और ऐसी विविटियों सहित देगा जो कर्मचारी राज्य बीमा (माध्यारण) अधिनियम, 1950 के अधीन उक्त अवधि की बाबत देनी थी;
- (5) नियम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (3) के द्वारा नियुक्त किया गया कोई निरीक्षक या नियम का हम निम्न प्रशिष्टक द्वारा अस्वीकृत की गयी विवरण की विवरण—
- (1) धारा 44 की उपधारा (1) के अधीन, उक्त अवधि की बाबत कोई किसी विवरणी की विविटियों यो सन्धानित करने के प्रयोगजातीय, या
- (2) यह अभिनियनिष्ट करने के प्रयोगजातीय कि कर्मचारी राज्य धीमा (माध्यारण) अधिनियम, 1950 द्वारा यथावैकित रजिस्टर और अभिवेद्य उक्त अवधि के लिए रखे गये थे या नहीं, या
- (3) यह अभिनियनिष्ट करने के प्रयोगजातीय कि कर्मचारी राज्य धीमा अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु के हप में गाने का नकदार बना हुआ है या नहीं, या

(4) यह अधिनियमित करने के प्रयोजनार्थे कि उस प्रधान के दौरान जब उनका कार्यालय के स्वाक्षर में अधिनियम के उपवधि प्रवर्त्त थे, तो उन्हें उपवधि का अनुपालन किया गया था या नहीं,

निम्नलिखित कार्य करने के लिए मत्तृत होगा —

(क) प्रधान या अध्यवक्त्र नियाजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे उन्होंना निरीक्षक या अन्य पदधारी आवश्यक मानता है; या

(ख) ऐसे प्रधान या अध्यवक्त्र नियाजक के अधिभागधारीन किसी कार्यालये रथापन कार्यालय या अन्य परिमर में जिसी भी उचित समय पर प्रांग करना और उसके प्रधारी अधिकार से अपेक्षा करना कि वह अधिकार के लियोजन और मजदूरी के सदाय में संबंधित ऐसे लेखा, बहिरा और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समस्त प्रस्तुत करे और उनकी परीक्षा करने दे, या उन्हें ऐसी जानकारी दे, जिसे वे आवश्यक मानते हैं, या

(ग) प्रधान या अध्यवक्त्र नियाजक की, उसके अधिकारी या सेवक की, या ऐसे किसी अधिकारी की जो ऐसे कार्यालय, माध्यम, कार्यालय या अन्य परिमर में पाया जाए, या ऐसे किसी अधिकार का जिम्मेदार में उनकी निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का अधिकारित कारण है कि वह कामनार्थी है, परीक्षा करना; या

(घ) ऐसे कार्यालय, माध्यम, कार्यालय या अन्य परिमर में रखे गए किसी अभिन्न, लेखा वर्ती या अन्य दस्तावेज की नकल तैयार करना या उसमें उद्धरण लेना।

ध्यास्यान्तिक जापन

इस मागने में पूर्वपक्षी प्रधान से छूट देनी आवश्यक हो गई है, क्षात्रिक छूट के लिए प्रातः प्रार्थना-पद्धति की कार्रवाई पर समय लगा। तथापि, यह प्रमाणित किया जाता है कि पूर्वपक्षी प्रधान से छूट देने से किसी के हित पर प्रतिकूल प्रधान नहीं पड़ेगा।

[मस्ता एग०-38014/2/82-एच० आई०]

New Delhi, the 19th June, 1982

S.O. 2540.—In exercise of the powers conferred by section 88 read with section 91A of the Employees' State Insurance Act, 1948 (34 of 1948), and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 1260 dated 17th April, 1980 and S.O. No. 1703 dated the 9th June, 1980, the Central Government hereby exempts the permanent and temporary employees of (1) National Chemical Laboratory, Poona (2) National Physical Laboratory, New Delhi (3) National Aeronautical Laboratory, Bangalore (4) Regional Research Laboratory, Hyderabad (5) Central Food Technological Research Institute, Mysore and (6) Central Drug Research Institute, Lucknow belonging to the Council of Scientific and Industrial Research, New Delhi from the operation of the said Act for a further period with effect from the 1st July 1980, upto and inclusive of the 30th September, 1982.

The above exemption is subject to the following conditions, namely:—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees;
- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates;

- (3) The contributions for the exempted period, if already paid, shall not be refunded;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns, in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of—
 - verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or
 - ascertaining whether registers and records were maintained as required by Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory be empowered to—
 - require the principal or immediate employer to furnish to him such information as he may consider necessary; or
 - enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or
 - examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or
 - make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the processing of the application for exemption took time. However, it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[No. S-38014/2/82-HI]

नई दिल्ली, 21 जून, 1982

S.O. 2541.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्ज एग० बी० इंटरप्राइज, 150, भ्रमटोला स्ट्रीट, कलकत्ता-13, जिसके असरगत (1) 6, फिलिप्स स्ट्रीट, मद्रास-1, (2) 11-22-30, आर आर अपाराव स्ट्रीट, विजयवाडा-1 और (3) 40/72, हास्पिटल रोड, परेड, कानपुर-1 स्थित उसकी जाखाएं भी हैं।

नामक स्थापन में सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एम. 35017/13/82-पी. पफ-II]

New Delhi, the 21st June, 1982

S.O. 2541.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs N.B. Enterprises, 150, Dharamtolla Street, Calcutta-13 including its branches at (1) (6), Philips Street, Madras-1, (2) 11-22-30, R.R. Appa Rao Street, Vijayawada-1 and (3) 40/72, Hospital Road, Parade, Kanpur-1 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017(13)/82-PF-II]

का० आ० 2542.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेस प० के० जी० इलेक्ट्रूनिक्स हैंडस्ट्रीज, 26 नवीपारा गोड, कलकत्ता-8 जिसके अन्तर्गत 1/2 मिडलटन स्ट्रिट कलकत्ता 71 स्थित उमका केन्द्रीय कार्यालय भी है।

नामक स्थापन में सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एम. 35017/18/82-पी० पफ०-2]

S.O. 2542.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs A.K.G. Electronics Industries, 26, Nabalia Para Road, Calcutta-8 including its Central Office at 4/2, Middleton Street, Calcutta-71, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017(18)/82-PF-II]

का० आ० 2543.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेस ईस्टर्न इस्को फार्म (प्राइवेट) लिमिटेड, 1, काली दना स्ट्रीट, कलकत्ता-5 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एम. 35017/20/82-पी० पफ०-1]

S.O. 2543.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messis Eastern Esco Pharma (Private) Limited, 1, Kali Dutta Street, Calcutta-5, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017(20)/82-PF-II]

का० आ० 2544.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेस यूनिक इलेक्ट्रोप्लेटिंग वर्क्स 75, डॉ. लाल मोहन भट्टाचार्जी रोड, कलकत्ता-14 नामक स्थापन में सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एम. 35017/21/82-पी० पफ०-11]

S.O. 2544.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Unique Electroplating Works, 75, Dr. Lal Mohan Bhattacharjee Road, Calcutta-14, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017(21)/82-PF-II]

का० आ० 2545.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेस एलोर, फ्लोर्स 31, राखलाल वास औडीर रोड, कलकत्ता-27 नामक स्थापन में सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एम. 35017/22/82-पी० पफ०-11]

S.O. 2545.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Hillora Floors, 31, Rakhaldaas Auddy Road, Calcutta-27, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017(22)/82-PF-II]

का० आ० 2546.—केन्द्रीय सरकार का यह प्रतीत होता है कि मैमर्स वी जनरल वायर प्रोड्यूट्स, 28, बी० टी० रोड, कमरहटी, 24 परगना नामक स्थापन में सम्बद्ध नियांजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन की लागू किए जाने चाहिए;

अत केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[म० एम०-35017/24/82-पी० एफ०-II]

S.O. 2546.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The General Wire Products, 28, B T Road, Kamalabati, 24-Parganas have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/23/82-PF-II]

का० आ० 2547.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एस्पेशल इंटरप्राइज (मेकेनिकल) (प्राइवेट) लिमिटेड, 1, नेताजी मुम्भाय मार्ग, कलकत्ता-1, जिसके अन्तर्गत 16 एवं 16/1 ग्राउंड फौरेंसिंग मार्ग, हावड़ा-1 स्थित उसका कारखाना भी है, नामक स्थापन में सम्बद्ध नियांजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अत केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[म० एम०-35017/24/82-पी० एफ०-II]

S.O. 2547.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ask Enterprise (Mechanical) Private Limited, 1, Netaji Subhash Road, Calcutta-1, including its Factory at 16 and 16/1, Grand Foreshore Road, Howrah-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/24/82-PF-II]

का० आ० 2548.—केन्द्रीय सरकार का यह प्रतीत होता है कि मैसर्स एक्स्पोर्ट्स (प्राइवेट) लिमिटेड, 4, लिट्टल रसेन स्ट्रीट, कलकत्ता-7 नामक स्थापन में सम्बद्ध नियांजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन का लागू किये जाने चाहिए;

अत केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[म० एम०-35017/25/82-पी० एफ०-II]

S.O. 2548.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Opal Exports (Private) Limited, 4, Little Russell Street, Calcutta-71, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/25/82-PF-II]

का० आ० 2549.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स स्पेशलाइजर शिप एड कॉर्पोरेशन (प्राइवेट) लिमिटेड, कनक भवन, 41 चौरधी मार्ग कलकत्ता-71, जिसके अन्तर्गत 26/1 सथ डाकघर रोड, कलकत्ता-23 स्थित उसका गोरी कार्यालय भी है, नामक स्थापन से सम्बद्ध नियांजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अत, केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[म० एम०-35017/26/82-पी० एफ०-II]

S.O. 2549.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Specialised Ship and Cargo Handling Agency (Private) Limited, Kanak Building, 41, Chowringhee Road, Calcutta-71, including its Dock Office at 26/1, Satya Doctor Road, Calcutta-23, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/26/82-PF-II]

का० आ० 2550.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स विष्णवानाथ आटोमोबाइल्स, 43 डायमड लार्बर मार्ग, कलकत्ता-27, जिसके अन्तर्गत 39/3 सरमुना मुक्त मार्ग, कलकत्ता-62 स्थित इसकी शाखा भी है, नामक स्थापन से सम्बद्ध नियांजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अत, केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[म० एम०-35017/27/82-पी० एफ०-II]

S.O. 2550.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Biewanath Automobiles, 43, Diamond Harbour Road, Calcutta-27, including its branch at 39/3, Sastua Main Road, Calcutta-62, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/27/82-PF-II]

का० आ० 2551.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मेकावी (आर एड डी) (प्राइवेट) लिमिटेड 2, चर्चेन, कलकत्ता-1, जिसके अन्तर्गत पिकनिक गार्डेन गैट प्लॉटेन्यन लस्करात, कलकत्ता-39 मिथन उमस्का कार्यालय भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की अहुसंख्या इस बात पर महसूत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः, केन्द्रीय गरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

[स० ए०-35017/28/82-पीएफ-11]

S.O. 2551.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mecavo (R and D) (Private) Limited, 2, Chuch Lane, Calcutta-1, including its Factory, at Picnic Garden Road, Extension, Laskarat, Calcutta-39, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/28/82-PF-II]

का० आ० 2552.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एम० आ० रंजन, केयर सून्दरबन लांच मिडिकेट, चंदपलशाट स्ट्रीट मार्ट, कलकत्ता-6, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की अहुसंख्या इस बात पर महसूत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

[स० ए०-35017/29/82-पीएफ-11]

S.O. 2552.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs M. V. Ranjan, Care Of Sunderban Launch Syndicate, Chandpal Ghat Strand Road, Calcutta-1, have agreed that the provisions of Employees' Provident Funds and Miscellaneous Provisions Act, 1951 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/29/82-PF-II]

का० आ० 2553.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मिह एड कपनी, 86 के० पू० ३०० मार्ट, बागमाल, 24-परगाना, जिसके अन्तर्गत पौ० ३९९/१, कियाताला लेन कलकत्ता-29 मिथन उमस्का कार्यालय भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की अहुसंख्या इस बात पर महसूत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

[स० ए०-35017/30/82-पीएफ-11]

S.O. 2553.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Singh and Company, 86, K.N.C. Road, Barasat, 24-Paraganas, including its branch office at P-399/1, Keyatala Lane, Calcutta-29, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/30/82-PF-II]

का० आ० 2554.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मन लिथोग्राफिं कंपनी, 18, हेम चन्द्र नस्कर रोड, कलकत्ता-10 जिसके अन्तर्गत 35, हेम चन्द्र नस्कर रोड, कलकत्ता-10 मिथन इसका कार्यालय भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर महसूत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

[स० ए०-35017/31/82-पीएफ-11]

S.O. 2554.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sun Lithographing Company, 18, Hem Chandra Naskar Road, Calcutta-10 including its Factory at 35, Hem Chandra Naskar Road, Calcutta-10, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/31/82-PF-II]

का० आ० 2555.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मैट्टन ग्रा०, पी-४०, ब्लाकपी०, न्यू अर्मीपुर, कलकत्ता-५३ नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर महसूत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है ।

[स० ए०-35017/32/82-पीएफ-11]

S.O. 2555.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Central Group, P-40, Block-B, New Alipur, Calcutta-53, have agreed that the provision of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/32/82-PF-II]

का० आ० 2556—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स वि डेली नवी प्रभात, 264, एम० बेपिन बिहारी गाँधीरी स्ट्रीट कलकत्ता-12 जिसके मालिनीत (1) फेज नं० 1, कोठी नं० 257, फेज एम० ए० एम० नगर, मोहाली, चंडीगढ़, और (2) सिटी प्राइस, 70, सदानन्द रोड, कलकत्ता-27 स्थित उसकी शाखाएं भी हैं, नामक स्थापन से गम्भीर नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम-35017/33/82-पीएफ-II]

S.O. 2556.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Daily Navi Parbat, 264, M. Bepin Behari Ganguly Street, Calcutta-12 including its branches at (1) Phase No. 1, Kothi No. 257, Phase, S.A.S. Nagar, Mohali, Chandigarh and (2) City Office 70, Sadananda Road, Calcutta-26, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/33/82-PF-II]

का० आ० 2557—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एम्से कॉम्पनीट (प्राइवेट) लिमिटेड, 10, मिडलटन रोड, कलकत्ता-71 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम-35017/34/82-पीएफ-II]

S.O. 2557.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Acme Consultants (Private) Limited, 10, Middleton Road, Calcutta-71, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017/34/82-PF-II]

का० आ० 2558—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स हिन्दुस्तान क्रेडिट कारपोरेशन, 9, पारमी चर्च स्ट्रीट, कलकत्ता-1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम० 35017/43/82-पीएफ-II]

S.O. 2558.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Hindustan Credit Corporation, 9, Parsee Church Street, Calcutta-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017(43)/82-PF-II]

का० आ० 2559—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पूर्ण डिस्ट्रीब्यूटर्स, 5/1, आचार्य जगदीश चन्द्र बोस मार्ग, कलकत्ता-20, जिसके मालिनीत 9, जस्टिस चन्द्र मार्ग, कलकत्ता-20 स्थित उमका गोप्ताम भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम-35017/44/82-पीएफ-II]

S.O. 2559.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Purva Distributors, 5/1, Acharya Jagdish Ch. Bose Road Calcutta-20, including its Godown at 9, Justice Chandra Madhab Road, Calcutta-20, have agreed that the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. E. 35017/44/82-PF-II]

का० आ० 2560—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्रेसिम्प्रेस स्टाम्प प्राइवेट लिमिटेड, 27, सर आर० एन० मर्खर्जी मार्ग, बीमी मंजिल, कलकत्ता-1 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम० 35017/45/82-पी० एफ० II]

S.O. 2560.—Whereas it appears to the Central Government that the employer and majority of the employees in relation to the establishment known as Messrs Precious Stocks and Bonds Limited, 27, Sir R.N. Mukherjee Road, 3rd Floor, Calcutta-1, have agreed that the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017(45)/82-PF-II]

का० आ० 2561.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जेनपावर इलेक्ट्रिक, 12-बी, नेताजी सुभाष-मार्ग कमरग मं. 41, कलकत्ता-1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम०-35017/46/82-पी० एफ० II]

S.O. 2561.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Genpower Electric, 12-B, Netaji Subhas Road, Room No. 41, Calcutta-1, have agreed that the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[N. S. 35017(46)/82-PF-II]

का० आ० 2562.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जनता सी० एच एफ० पाजेन्ट्सी, 16/ए स्थानगोगा-स्ट्रीट, (इसरी मंजिल), कलकत्ता-1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम०-35017(47)/82-पी० एफ०-II]

S.O. 2562.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Janata C&F Agency, 16/A, Synagogue Street, (2nd Floor), Calcutta-1, have agreed that the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment;

[No. S. 35017(47)/82-PF-II]

का० आ० 2563.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बंगाल हैंड डांगर एंड वाशिंग, 37-ए, चौलपट्टी रोड, कलकत्ता-10, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम०-35017/50/82-पी० एफ० II]

S.O. 2563.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Bengal Hand Dyeing and Washing, 37-A, Chaulpatty Road, Calcutta-10, have agreed that the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment:

[No. S. 35017(50)/82-PF-II]

का० आ० 2564.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स हिमार्डी पेंट्स ०४७ केमिकल्स, 4, ट्रेंचिंग, ग्राउंड रोड, डाकघर बैशबनी, जिला हुगली जिसके प्रन्तर्गत 2, वाटरलू स्ट्रीट, कलकत्ता-69 स्थित जिसकी शाखा भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम०-35014/52/82-पी० एफ०-II]

S.O. 2564.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Himadri Paints and Chemicals, 4, Trenching Ground Road, Post office Baidyabati, District Hooghly, including its branch at 2, Waterloo Street, Calcutta-69, have agreed that the provisions of the Employee's Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35017(52)/82-PF-II]

का० आ० 2565.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स बेबेल डान लिमिटेड, बैंडक इंडस्ट्रियल कापलेक्स पी-1, तालटोला रोड, रम-303 कलकत्ता-88 जिसके प्रन्तर्गत बी-3, बेबेल इंडस्ट्रियल इस्टेट, पी० 1 तालटोला रोड, कलकत्ता-88 स्थित उसका कारखाना और 225 ई, आचार्य जगदीश चन्द्र शोभा रोड, कलकत्ता 20 स्थित उसका रजिस्ट्रीकूट कार्यालय भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम०-35017/(55)/82-एफ०-II]

S.O. 2565.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Webel Dawn Limited, Wheide Industrial Complex, P-1 Taratala Road, Room-303, Calcutta-88 including its Factory at B-03 Webel Industrial Estate, P-1, Taratala Road, Calcutta-88 and its Registered Office at 225E, Acharya Jagadish Chandra Bose Road, Calcutta-20, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment,

[No. S. 35017 (55)/82-PF.II]

का० आ० 2566—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मौसी, 27-बी, कामक ट्रीट, कलकत्ता-16 जिसके अंतर्गत (1) उत्तरी प्रादेशिक कार्यालय 1 ई/1 अंडेलाला प्रोसेटेशन, लिंक रोड, नई दिल्ली-55, (2) पश्चिमी प्रादेशिक कार्यालय "इलालो हाउस" सर वी० मेहता रोड, मम्बई-1 और (3) दक्षिणी प्रादेशिक कार्यालय, 20 श्रीमत रोड, मद्रास-6 विष्ट उक्ते अन्य कार्यालय भी हैं, नामक स्थापन से गम्भीर नियोजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लाग किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लाग करती है।

[म० एम०-35017/56/82-पी० एफ०-II]

S.O. 2566.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sans Souci, 27-B, Camac Street, Calcutta-16 including its other Offices at (1) Northern Regional Office, 1F/1, Jhandewalan Extension, Link, Road, New Delhi-55 (2) Western Regional Office 'ILACO HOUSE' Sir P. Mehta Road, Bombay-1, and (3) Southern Regional Office, 20, Greams Road Madras-6, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment

[No. S. 35017 (56)/82-PF. II]

का० आ० 2567—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इंवेस्टमेंट कम्पनी (प्राइवेट) लिमिटेड ऐकेप्रियों एम्प्लॉयमेंट, 139, नगिनदाम मास्टर मार्ट, फॉर्ट, मम्बई-23 नामक स्थापन से मम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या स बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लाग किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लाग करती है।

[गंभीर एम०-35018(4)/8-पी० एफ०-II]

S.O. 2567.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. The Estate Investment Company (Private) Limited Seksaria Chambers, 139, Nagindas Master-Road, Fort, Bombay-23 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment

[No. S. 35018 (4)/82-PF.II]

का० आ० 2568—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सेफ ऑफसेट मेंटर, बी० 207, सम्बेक्स इंडस्ट्रियल प्लॉट, सम्बेक्स ओम लेन, आ॒कूला, मम्बई-27 नामक स्थापन से मम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लाग किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लाग करती है।

[म० एम०-35018/5/82-पी० एफ०-II]

S.O. 2568.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Safe Offset Centre, B-207, Sussex Industrial Estate, Sussex Cross Lane, Byculla, Bombay-27, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (5)/82-PF.II]

का० आ० 2569—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स रेजेंट चैम्बर्स प्रिमिसेज कोम्पारेटिव सोसाइटी लिमिटेड, रीजेंट चैम्बर्स 208, नरीमन प्लॉट, मम्बई-21, नामक स्थापन से मम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या स बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लाग किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लाग करती है।

[गंभीर एम०-35018/7/82-पी० एफ०-II]

S.O. 2569.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Regent Chambers, Premises Cooperative Society Limited, Regent Chambers, 208, Nariman Point, Bombay-21, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be applicable to the said establishment,

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018(7)/82-PF.II]

का० आ० 2570—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स एच० पी० आर्ह० इंडस्ट्रीज, 2/20 अनुपम इंडस्ट्रियल प्लॉट, राली बालू के गामते, एल० बी० एम० मार्ट, मूलत्व (प्रिचमी), मम्बई-80, नामक स्थापन से मम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या स बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लाग किए जाने चाहिए,

अत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपर्युक्त उक्त स्थापन को लागू करती है।

[सं. एम-35018/34/82-पी० एक-II]

S.O. 2570.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs H.P.I. Industries, 2/20, Anupam Industrial Estate, Opposite Rolli Wak, L.B. S. Marg, Mulund (West), Bombay-80, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment:

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (34)/82-PF-II]

का० आ० 2571—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जस्को इंटरनेशनल शिपिंग एंजीनी, 321, शिवार भगत मिह मार्ट, तीसरी मंजिल, शास्त्रेश्वर बिल्डिंग, मुम्बई-1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बृंगत्या इस बात पर महमत हो गई है कि नियोजक और प्रकीर्ण उपर्युक्त अधिनियम, 1952 (1952 कर्मचारी भविष्य निधि और प्रकीर्ण उपर्युक्त अधिनियम, 1952 (1952 का 19) के उपर्युक्त उक्त स्थापन को लागू किये जाने आयिये,

अत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करके हुए उक्त अधिनियम के उपर्युक्त उक्त स्थापन को लागू करती है।

[सं. एम-35018/35/82-पी० एक-II]

S.O. 2571.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Jasco International Shipping Agency, 321, Shihab Bhagat Singh Road, National Shipping Agency, 321, S. H. Bhagat Singh Road, Prospect Building, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section 4 of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (35)/82-PF-II]

का० आ० 2572—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मी० डी० मोजा एंड संपनी, धून मैन्सन, 301, केरे गेड, (मंगलोर स्ट्रीट), मुम्बई-1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बृंगत्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपर्युक्त अधिनियम, 1952 (1952 का 19) के उपर्युक्त उक्त स्थापन को लागू किये जाने आयिये,

अत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपर्युक्त उक्त स्थापन को लागू करती है।

[सं. एम-35018/36/82-पी० एक-II]

S.O. 2572.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs C. D'Souza and Company, Dhun Mansion, 301, Frere Road, (Mangalore Street), Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions

Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018(36)/82-PF-II]

का० आ० 2573—केन्द्रीय सरकार का यह प्रतीत होता है कि मैसर्स एक्यूटिव सर्विसेज, कमरा सं. 17, बांसिल मैन्सन-9/11, होमी मार्डी स्ट्रीट, मुम्बई 23, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बृंगत्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपर्युक्त अधिनियम, 1952 (1952 का 19) के उपर्युक्त उक्त स्थापन को लागू किये जाने आयिये,

अत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपर्युक्त उक्त स्थापन का लागू करती है।

[सं. ए० १-35018/37/82-पी० एक-II]

S.O. 2573.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Accurate Services, Room No. 17, Bansilal Mansion, 9/11, Homi Modi Street, Bombay-23, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (37)/82-PF-II]

का० आ० 2574—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स वि. मुम्बई बी० टी० मेट्रो रेलवे एम्प्लाइज, कन्यमर्स को-ऑपरेटिंग सोसाइटी निमिटेड, विकटरिया टर्मिनल, मुम्बई 1, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बृंगत्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपर्युक्त अधिनियम, 1952 (1952 का 19) के उपर्युक्त उक्त स्थापन को लागू किये जाने आयिये,

अत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपर्युक्त उक्त स्थापन को लागू करती है।

[सं. एम-35018/38/82-पी० एक-II]

S.O. 2574.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Bombay V.T. Central Railway Employees' Consumers' Cooperative Society Limited, Victoria Terminus, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (38)/82-PF-II]

का०आ० 2575.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैमसे एसोसिएटेड मेरीटाइम्स सर्विसेज, 294, शहीद मगन थिल मार्ग, फॉर्ट, मुम्बई-1 नामक स्थापन से मम्बद्द नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एम० 35018/39/82-पी० एफ०-II]

S.O. 2575.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Associated Maritime Services, 294 Shahid Bhagat Singh Road, Fort, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018(39)/82-PF-II]

का०आ० 2576.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैमसे सोवरेन ग्राइनरीज, 329, न्यू टोडी इंडस्ट्रियल एस्टेट एन० एम० जॉनी मार्ग मुम्बई-11, नामक स्थापन से मम्बद्द नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[म० एम० 35018/41/82-पी० एफ०-II]

S.O. 2576.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sovereign Enterprises, 329, New Todi Industrial Estate, N.M. Joshi Marg, Bombay-11, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018(41)/82-PF-II]

का०आ० 2577.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैमसे द्रोहिका प्रोसेजर (प्राइवेट) लिमिटेड, छठी भैंजिल, एच्यूसी सेन्टर, नरीमस पास्टर, मुम्बई-21 नामक रथापन के अम्बद्द नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एस० 35018/42/82-पी० एफ०-II]

S.O. 2577.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Troika Processes (Private) Limited, 6th Floor, Embassy Centre, Nauman Point, Bombay-21, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (42)/82-PF-II]

का०आ० 2578.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैमसे वि स्वरेणी पेन कर्निंग मिल, 105, केण्टव्ही नायक मार्ग, मैड्डी, मुम्बई-9, नामक स्थापन से मम्बद्द नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) की उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये;

अतः केन्द्रीय सरकार उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[म० एम० 35018/45/82-पी० एफ०-II]

S.O. 2578.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs The Swadeshi Grain Crushing Mill, 105, Kessowji Naik Road, Mandvi, Bombay-9, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (45)/821PF-II]

का०आ० 2579.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैमसे आनन्द ब्रश इंस्ट्रीज, 7 बी० पहली भैंजिल, फैवरिट इंडस्ट्रियल एस्टेट, मम्बगारी लेन, कुला०, मुम्बई-70, नामक स्थापन से मम्बद्द नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिये।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[म० एम० 35018/46/82-पी० एफ०-II]

S.O. 2579.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Anand Brush Industries, 7-B, 1st Floor, Favouite Industrial Estate, Mastrani Lane, Kurla, Bombay-70 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (46)/82-PF-II]

कांग्रा० 2580.—केन्द्रीय मरकार को यह प्रतीत होता है कि मैसर्स सनात ड्राइफ़र्स, 12-A, बालाजी शैन, 99, पी० ज० लोखड़ मार्ग, चेम्बूर मुम्बई-89, जिसके अन्तर्गत उसकी दुमरी, मजिल शेष्ट्यर, एम० ज०, रोड, बाटकोपर, बम्बई-400077 मिल उमका कार्यालय भी है, नाम० स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए।

अतः केन्द्रीय मरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन का लागू करनी है।

[स० एम० 35018/47/82-पी० एफ०-II]

S.O. 2580.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sanat Transformers, 12-A, Balaji Darshan, 99, P.J. Lokande Marg, Chembur, Bombay-89, including its office at 2nd Floor, Bedeshwar, M.G. Road, Ghatkopar, Bombay-77, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018(47)/82-PF-II]

कांग्रा० 2581.—केन्द्रीय रारकार को यह प्रतीत होता है कि मैसर्स शटा बुड़ इंडस्ट्रीज, सी/१२६, बाटकोपर इंडस्ट्रियल प्लॉट, एन० वी० एस० मार्ग बाटकोपर, मुम्बई-८६ नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी की भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए।

अतः केन्द्रीय मरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन का लागू करती है।

[स० एम० 35018/48/82-पी० एफ०-II]

S.O. 2581.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ruta Wood Industries, C/126, Ghatkopar Industrial Estate, L.B.S. Marg, Ghatkopar, Bombay-86, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (48)/82-PF-II]

कांग्रा० 2582.—केन्द्रीय मरकार को यह प्रतीत होता है कि मैसर्स हिमालय मेटल इंडस्ट्रीज, 112-सी और 156, मुम्बई टाकीज फ्लॉट्स डेसीमेंट रोड, मालाड (पश्चिमी), मुम्बई ६१ नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए।

अतः केन्द्रीय मरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[स० एम० 35018/49/82-पी० एफ०-II]

S.O. 2582.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Himalaya Metal Industries, 112-C and 156, Bombay Talkies Comp, Dadyseth Road, Malad (West), Bombay-64, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment,

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (49)/82-PF-II]

कांग्रा० 2583.—केन्द्रीय मरकार को यह प्रतीत होता है कि मैसर्स भवानी मेटल वर्क्स, बेकीजीम ट्रिमोटेक कम्पा०, आचार्य, वैंड मार्ग, सीवडी, मुम्बई-१५, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए।

अतः केन्द्रीय मरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[स० एम० 35018/50/82-पी० एफ०-II]

S.O. 2583.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Bhawani Metal Works, Mckenzies Limited Compound, Acharya Dhone Marg, Sewree, Bombay-15, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35018 (50)/82-PF-II]

कांग्रा० 2584.—केन्द्रीय मरकार को यह प्रतीत होता है कि मैसर्स फॉटो स्पेक्ट्रा इंडिपॉर्ट, गोरखपाली, जिला अलेपी, जिसके अन्तर्गत बालुमेल मार्ग, थाप्पमाडी, कोल्होन-६८०००५ मिल उमका रजिस्ट्रीकॉर्ट कार्यालय भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए।

अतः केन्द्रीय मरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन का लागू करती है।

[स० एम० 35019/16/82-पी० एफ०-II]

S.O. 2584.—Whereas it appears to the Central Government that the employer and the majority of the employees in

relation to the establishment known as Messrs Food Spectra Ezhupunna, Sherthalia, Alleppey District including its Registered office at Valummel Road, Thoppumpady, Cochin-682005, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (16)/82-PF-II]

का०आ० 2583.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेस भोडन आटोमोबाइक्स, एम०जी० रोड, एरनाकुलम, कोचीन-11, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की सहमत्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध प्रधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन का लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त प्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्रधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एस-35019/17/82-पी०एफ०-II]

S.O. 2585.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Modern Automobiles, M.G. Road, Ernakulam, Cochin-11, have agreed that the provision of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (17)/82-PF-II]

का०आ० 2586.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेस आटो फौर्जिन्स औपियम ग्राम चुराईपक्कम, महाबलीपुरम रोड, मद्रास-96 जिसके प्रत्यार्थी 133 मद्रास महाबलीपुरम रोड, मद्रास-96 स्थित उमकी पाला भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की सहमत्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध प्रधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त प्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्रधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एस-35019/21/82-पी०एफ०-II]

S.O. 2586.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Auto Forgings, Oggium, Thuraipakkam Village, Mahabalipuram Road, Madras-96 including its branch at 133, Madras Mahabalipuram Road, Madras-96, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (21)/82-PF-II]

का०आ० 2587.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेस श्री भारती मिल्स इपलाइज को-ऑपरेटिव स्टोर्स, मोदिचेरी नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की सहमत्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध प्रधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त प्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्रधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एस-35019/22/82-पी०एफ०-II]

S.O. 2587.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri Bharathi Mills Employees' Cooperative Store, Mudaliarpet, Pondicherry, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (22)/82-PF-II]

का०आ० 2588.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेस मर्शीनरी पृष्ठ स्पेशर पार्ट्स प्रोड्यूसर्स को-ऑपरेटिव सोसाइटी, लिमिटेड, धारवार, कर्नाटक, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की सहमत्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध प्रधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त प्रधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्रधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं० एस-35019/38/82-पी०एफ०-II]

S.O. 2588.—Whereas it appears to the Central Government that on the employer and the majority of the employees in relation to the establishment known as Messrs Machinery and Spare Parts Producers Cooperative Society Limited, Dharwar, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (38)/82-PF-II]

का०आ० 2589.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेस मूनि इन्डस्ट्रीज (इंजीनियरिंग एंड सेरेमिक्स) (प्राइवेट) लिमिटेड, 153, किल्डी ग्राम विहारी वागू मार्ग (पहली मर्जिन), कलकन्ता, जिसके अन्तर्गत आरा०एन० मुद्र्यर्ज रोड, बुर्गपुर-713201, स्थित उमके सकर्य भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की सहमत्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध प्रधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एम-35019/42/82-पी०एफ०-II]

S.O. 2589.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Meni Enterprise (Engineering and Ceramics) (Private) Limited, 153, Biplobi Rash Behari Basu Road (1st Floor), Calcutta including its works at R.N. Mukherjee Road, Durgapur-713201, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment,

[No. S. 35019 (42)/82-PF-II]

का०आ० 2590.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेंस हेल्पमेट इंटरनेशनल, बी-209, नारायण श्रीदयेश्वर कंट्रो, फेज-1, नई दिल्ली-28, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि श्रीर प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एम-35019/43/82-पी०एफ०-II]

S.O. 2590.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Help-Mate International, B-209, Naraina Industrial Area, Phase-I, New Delhi-28, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019/(43)/82-PF. II]

का०आ० 2591.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेंस मिल्टेक, चौलियांगंज, कटक-4 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि श्रीर प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एम-35019/44/82-पी०एफ०-II]

S.O. 2591.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Milltech, Charliganj, Cuttack-4, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (44)/82-PF-II]

का०आ० 2592.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेंस ओम इंद्रपालजिज, बी-7 मधुसूदन मार्केट राउरकेला-11, सुन्दरगढ़, उड़ीसा, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि श्रीर प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एम-35019/45/82-पी०एफ०-II]

S.O. 2592.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Om Enterprises, B-7, Madhusudan Market, Rourkela-11, Sundergarh, Orissa, have agreed that the provisions of the Employees' Provident and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (45)/82-PF-II]

का०आ० 2593.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेंस एंथिपन मेटल प्रिंटर्स एंड कनटेनर्स (प्राइवेट) लिमिटेड बी-40, इंडिस्ट्रियल स्टेट, सनाथनगर, हैदराबाद-18 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि श्रीर प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एम-35019/47/82-पी०एफ०-II]

S.O. 2593.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Asian Metal Printers and Containers (Private) Limited, B-40, Industrial Estate, Sanathnagar, Hyderabad-18, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (47)/82-PF-II]

का०आ० 2594.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेंस नाम प्रिंटिंग एंड (प्राइवेट) लिमिटेड, नं० 56, लेटिट्स लिज रोड, भद्राम-41, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर महमत हो गई है कि कर्मचारी भविष्य निधि प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

प्रत. केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/49/82-पी०एफ०-II]

S.O. 2594.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Tass Printing Inks (Private) Limited, 56, Lattice Bridge-Road, Madras-41, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (49)/82-PF-II]

का०आ० 2595.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स फेरोक्स प्रोसेसेज (प्राइवेट) लिमिटेड-सेवाम-राम, पेरुणगुडी, प्रद्यार, मद्रास, 20 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंघ्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/50/82-पी०एफ०-II]

S.O. 2595.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ferrox Processes (Private) Limited Sevaram, Perungudi, Adyar, Madras-20, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (50)/82-PF-II]

का०आ० 2596.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पार्वती राहस मिल्स, चैलिकेन्ड, पालेम, गन्तावरम (तालुका) जिला कूण, प्रान्त प्रदेश, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंघ्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/80/82-पी०एफ०-II]

S.O. 2596.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Parvalhi Rice Mills, Chalivendrapalem, Ganavaram, (TQ) Krishna District, Andhra Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (80)/82-PF-II]

का०आ० 2597.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स रवि लुब्रिकेशन्स, नो 171, नार्थ वेली स्ट्रीट, मदुराई जिम्मके अन्तर्गत (1) 44-ए, नार्थ वेली स्ट्रीट, मदुराई-1 और (2) 334, बिंगकार स्ट्रीट, तिरुपत्रम-कुण्ड्रम, मदुराई-625008, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंघ्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/82/82-पी०एफ०-II]

S.O. 2597.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Ravi Lubrications No. 171, North Veli Street, Madurai including its branches at (1) 44-A, North Veli Street, Madurai-1, and (2) 334, Big Car Street, Tiru-parkundram, Madurai-625008, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (82)/82-PF-II]

का०आ० 2598.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स टोरोइडल इंडस्ट्रीज, 115 बी, भाष-ब्रेंज रोड, मद्रास-18 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंघ्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों के का प्रयोग करने हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/81/82-पी०एफ०-II]

S.O. 2598.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Toroidal Industries, 115-B, Mowbrays Road, Madras-18, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (81)/82-PF-II]

का०आ० 2599.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स जीनियरिंग इंडस्ट्रीज, सी-160 नारायणगढ़ हॉटेल एरिया, केम-1, नई दिल्ली, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंघ्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन की लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/98/82-पी०एफ०-II]

S.O. 2599.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Joyti Engineering Industries, C-160, Naraina Industrial Area, Phase-I, New Delhi, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (98)/82-PF. II]

कांशा० 2600.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इन्टररोल (इंडिया) प्राइवेट लिमिटेड, 17-कम्पनीटी सेम्टर, मायापुरी, कोइंग-1, नई विल्ली, नामक स्थान से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत है। गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019(99)/82-पी०एफ०-II]

S.O. 2600.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Interroll (India) (Private) Limited, 17-Community Centre, Mayapuri, Phase-I, New Delhi, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S-35019 (99)/82-PF. II]

कांशा० 2601.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स नारंग ट्रेडिंग कंपनी (प्राइवेट), लिमिटेड, पारस नाथ रोड, विल्ली, तिसकी भास्तव्यता 4610, टोलिकर मध्य भाटी मार्ग, आगरा स्थित उसकी जाहा भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/100/82-पी०एफ०-II]

S.O. 2601.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Narang Trading Company (Private) Limited, Paras Nath Road, Delhi, including its branch at 4610, Dholikar Sadar Bhati Road, Agra, have agreed that the provisions of the Employees' Provident

Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (100)/82-PF-II]

कांशा० 2602.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री लक्ष्मी पैकेजिंग, 54 सिड्को इंडस्ट्रियल एस्टेट, कोइंगटर-21, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/122/82-पी०एफ०-II]

S.O. 2602.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Shree Lakshmi Packaging, 54, Sidco Industrial Estate, Coimbatore-21, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (122)/82-PF-II]

कांशा० 2603.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री भास्कराण ट्रांसपोर्ट, 32/1, राजाथी स्ट्रीट, तिरुवेल्लोर चेगलपट्ट, जिला, तमिलनाडु नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकार्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहूँगा,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/124/82-पी०एफ०-II]

S.O. 2603.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri Baskaran Transport, 32/1, Rajathi Street, Tiruvelllore, Chegalpatty District, Tamil Nadu have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (124)/82-PF-II]

कांशा० 2604.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स नन्दी कीविलपट्ट मिल मस्काई को-ऑपरेटिव सोसाइटी लिमिटेड, मेलुर जिला मदुगांड, तमिलनाडु, और उसके स्टाल-1, बस स्टैड के सामने, मेलुर तथा

स्टॉल-II, सिवागंगालोद्धा, मेलुर नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/125/82-पी०एफ०-11]

S.O. 2604.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Nondi Kovilpalay Milk Supply Co-operative Society Limited, Melur, Madurai District Tamil Nadu, including its one Stall-I opposite Bus Stand Melur and Stall-II at Sivagangaioa of Melur, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019 (125)/82-PF. II]

का० आ० 2605.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स वायन मायक संस्था, गणपति टैम्पल स्टैट, मंगलीर, कर्नाटक, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/127/82-पी०एफ०-11]

S.O. 2605.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Vaman Navak Sons, Ganapathy Temple Street, Mangalore-1, Karnataka, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019(127)/82-PF. II]

का०आ० 2606.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स मोहनदास चित्र भविष्य, पटामाट विजयवाडा, कृष्ण जिला, ग्रान्थ प्रदेश नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/130/82-पी०एफ०-11]

S.O. 2606.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Mohandas Chitra Mandir, Patamata, Vijaywada, Krishna District, Andhra Pradesh, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of Section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

[No. S. 35019(130)/82-PF-II]

का०आ० 2607.—केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स वायसेरी पेरियार-मीगन स्ट्रीट हैंडलूम बांदर्स सेल्स कोषापर्टिक सोसाइटी लिमिटेड, नं 3461 नं 26, वांचिपार्थीथन न्यू स्ट्रीट, वावासेटी नागर, कोइल-629001 जिमके अन्तर्गत (1) नं 3461 सेल्म डिपो, म्यूनिसिपल बस स्टैट के समने, तुकाले, डाकघर, थाकाले जिला कन्याकुमारी और (2) नं 3461 सर. सं 7-75, ए. आर. सी. पार्सल आफिस के पास मड भाकिट, डाकघर नैय्यर जिला कन्याकुमारी स्थित उमकी शाखाएं भी हैं नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए।

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

[सं. एस-35019/223/82-पी०एफ०-11]

S.O. 2607.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Vadaseri Periarasigan Street Handloom Weavers Sales Co-operative Society Limited, No. 3461, No. 26, Vanchithaihun New Street, Vadaseri, Nagercoil-629001 including its branches at (1) No. 3461, Sales Depot, Opposite to Municipal Bus Stand, Thuckalay, Thuckalay Post, Kanyakumari District and (2) No. 3461 Door No. 7-75, Near A.R.C. Parcel Office, Monday Market, Meyyoor Post, Kanyakumari District have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said act to the said establishment.

[No. S. 35019(223)/81-PF-II]

नई दिल्ली, 26 जून, 1982

का०आ० 2608.—केन्द्रीय सरकार का यह समाधान हो गया है कि मारन सरकार, टैक्सट बुक प्रैस, मैसूर के कर्मचारी अन्यथा उन प्रसुविधाओं को प्राप्त कर रहे हैं जो सार्वत. कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) के अधीन उपबन्धित प्रसुविधाओं के समान हैं;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 91क के साथ पठित धारा 90 द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए कर्मचारी राज्य बीमा नियम से परामर्श करने के पश्चात, उपर्युक्त कारबाने को उक्त अधिनियम के प्रवर्तन से 15 मित्तम्बर, 1976 से 30 सितम्बर, 1982 तक, जिसमें यह सारीक भी है, के लिए कूट देती है।

2. पूर्वोक्त छूट निम्नलिखित ग्रान्ति के अधीन रहने हुए हैं, अर्थात्—

(1) उक्त कारखाने के नियोजक, उप प्रबन्धि की बाबत, जिसके दौरान वह कारखाना उक्त अधिनियम के प्रवर्तन के अधीन था (जिसे इसमें इसके पश्चात उक्त प्रवर्ति कहा गया है), ऐसी विवरणियाँ, ऐसे प्रमुख पर और ऐसी विशिष्टियाँ सहित देना जो कर्मचार्य राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त प्रवर्ति की बाबत देनी थीं;

(2) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (1) के अधीन नियुक्त किया गया कोई निरीक्षक, या निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी—

(1) उक्त प्रवर्ति की बाबत धारा 4/9 की उपधारा (1) के अधीन वही गई किसी विवरणी की विशिष्टियों को सत्यापित करने के प्रयोजनार्थ; या

(2) यह अधिनियमित करने के प्रयोजनार्थ कि उक्त प्रवर्ति के लिए कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 की प्रपेक्षा अनुमार रजिस्टर और अधिनियम रखे गए थे या नहीं; या

(3) यह अधिनियमित करने के प्रयोजनार्थ कि कर्मचारी, नियोजक धारा द्वारा दिए गए उन कायदों को, जिसके प्रतिफलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु के स्पष्ट में पाने का हकदार बना हुआ है; या नहीं; या

(4) यह अधिनियमित करने के प्रयोजनार्थ कि उम्म प्रवर्ति के दौरान जब उक्त कारखाने के संबंध में अधिनियम के उपर्यंत प्रवृत्त थे, ऐसे किसी उपबन्धों का अनुपालन किया गया था या नहीं; निम्नलिखित कार्य करने के लिए मरणक होगा :

(क) प्रधान या अव्यवहित नियोजक से प्रपेक्षा करना कि वह उसे ऐसी जानकारी दे, जो वह आवश्यक मरणका है; या

(ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिकोगाधीन किसी कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी युक्तियुक्त ममत पर प्रवेश करना और वहाँ उपस्थित भार-साधक व्यक्ति से यह प्रपेक्षा करना कि वह अव्यक्तियों के लियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखांशी अधियो और अन्य वस्तावेजों की उसे परीक्षा करने दे या उसे ऐसी जानकारी दें, जो वह आवश्यक समझता है; या

(ग) प्रधान या अव्यवहित नियोजक की, उसके अधिकर्ता या सेवक की, ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर, में पाया जाए, या ऐसे किसी व्यक्ति की ही जिसके बारे में उक्त नियोजक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना,

(घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखांशी या अन्य वस्तावेज की प्रति तैयार करना या उससे उद्धरण लेना।

[सं. एस-38014/43/81-एच० प्राइ०]

ए. ओ० भट्टराई, प्रबन्ध सचिव

व्यालांसक लापन

इस मामले में भूतलक्षी प्रभाव से छूट देनी आवश्यक हो गई है; क्योंकि छूट के लिए प्रावेदन पत्र की कार्यवाही पर समय लगा। किर भी यह प्रमाणित किया जाता है कि इस छूट को भूतलक्षी प्रभाव देने से किसी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

New Delhi, the 26th June, 1982

S.O. 2608.—Whereas the Central Government is satisfied that the employees of the Government of India Text Book Press, Mysore are otherwise in receipt of benefits substantially similar to the benefits provided under the Employees' State Insurance Act, 1948 (34 of 1948):

Now, therefore, in exercise of the powers conferred by section 90 read with section 91A of the said Act, the Central Government after consultation with the Employees' State Insurance Corporation, hereby exempts the above mentioned factory from the operation of the said Act from the 15th September, 1976 upto and inclusive of the 30th September, 1982.

2. The above exemption is subject to the following conditions, namely:—

(1) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

(2) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf shall, for the purposes of—

(i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period; or

(ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or

(iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or

(iv) ascertaining whether any of the provisions of the Act has been complied with during the period when such provisions were in force in relation to the said factory; by empowered to—

(a) require the principal or immediate employer to furnish to him such information as he may consider necessary; or

(b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary; or

(c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee; or

(d) make copies of or take extracts from any register account book or other document maintained in such factory, establishment, office or other premises.

[No. S-38014/43/81-H]

A. K. BHATTARAI, Under Secy.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption was received late. However it is certified that the grant of exemption with retrospective effect will not affect the interest of anybody adversely.